



AND

NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair, delightful Peace,
Unwar'd by party rage, to live like Brothers."

FRIDAY, MAY 8, 1818.

No. 972.

Vol. XIX.

BY AUTHORITY.

An act supplementary to an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act no goods, wares, or merchandize, imported into the United States, and subject to an ad valorem duty, shall be admitted to entry with the collector of the district into which the same are brought, unless the owner, consignee, or other importer of such goods, wares, or merchandize, shall produce to such collector the original invoice thereof; but the same shall be deposited, and remain, in the public warehouse, at the expense and risk of the owner of such goods, wares, or merchandize, until such invoice be produced: *Provided, however,* That in all cases where such goods, wares, or merchandize, shall have been imported from a port or place on this side the Cape of Good Hope, if such invoice or invoices be not produced in six months, and from the Cape of Good Hope, or any port or place beyond the same, within nine months from the time of such importation, then the said goods, wares, or merchandize, shall be appraised, and the duties estimated thereon, in the manner hereinafter directed: *And provided always,* That this prohibition shall not extend to such goods, wares, or merchandize, as shall have been taken from a wreck.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and is hereby authorized and empowered, if, in his judgment, the circumstances under which such goods, wares, or merchandize, shall have been imported, or any other circumstances connected therewith, render it expedient, to direct the collector in whose district such goods, wares, or merchandize, may be, to admit the same to entry, on an appraisement duly made thereof, in the manner hereinafter prescribed: *Provided,* The owner, agent, assignee, or importer, of such goods, wares, or merchandize, shall first give bond, with sufficient sureties, to the United States, to produce to such collector the invoice of such goods, wares, or merchandize, within eight months, if the same were imported from any port or place on this side the Cape of Good Hope, and within fifteen months, if from the Cape of Good Hope, or port or place beyond the same, and to pay any amount of duty to which it shall appear, by such invoice, the said goods, wares, or merchandize, were subject, over and above the amount of duties estimated on the said appraisement.

Sec. 3. *And be it further enacted,* That when an entry shall be made with any collector, of any goods, wares, or merchandize, imported into the United States, and subject to an ad valorem duty, the person making such entry shall, if he be owner of such goods, wares, or merchandize, declare the same on oath, and if he be not the owner, shall declare on oath the name and residence of the owner of such goods, wares, or merchandize.

Sec. 4. *And be it further enacted,* That the ad valorem rates of duties upon goods, wares, and merchandize, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any island, port, or place beyond the same, and ten per cent on the actual cost thereof, if imported from any other place or country, including all charges, except commissions, outside packages, and insurance.

Sec. 5. *And be it further enacted,* That in addition to the oath now required by law to be taken by any owner, consignee, agent, or importer, on the entry of any goods, wares, or merchandize, imported into the United States, such owner, consignee, agent, or importer, shall, on the entry of any goods, wares, or merchandize, so imported, and subject to an ad valorem duty, declare on oath that the invoice produced by him exhibits the true value of such goods, wares, or merchandize, in their actual state of manufacture, at the place from which the same were imported.

Sec. 6. *And be it further enacted,* That when goods, wares, or merchandize, imported into the United States, subject to an ad valorem duty, shall be consigned to any person, to be entered by him, and to be delivered to order, to any other person, such goods, wares, or merchandize, shall be deposited and remain in the public warehouse at the expense and risk of the owner, until the person authorized to receive them shall appear and make the additional oath required by the fifth section of this act, or (if such person shall not reside at the place of such importation) until the invoice of such goods, wares, and merchandize, accompanied by a notarial act of his having taken the said oath, shall be produced to the collector in whose district such goods, wares, or merchandize, may be: *Provided,* That, if the provisions of this section shall not be complied with in four months from the time of the importation of such goods, wares, or merchandize, the same shall be subject to the appraisement required by this act.

Sec. 7. *And be it further enacted,* That when goods, wares, or merchandize, imported, and subject to duty as aforesaid, shall be reshipped and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, verified by the additional oath required by the fifth section of this act, and certified under the official seal of the collector with whom the entry on the importation of such goods, wares and merchandize, was made, shall be produced at the port to which the same shall be transported, and the same inspection of such goods, wares, or merchandize, shall be made, as if they had been brought direct from a foreign port or place; and if the invoice, verified as aforesaid, shall not be so produced, such goods, wares, or merchandize, shall be deposited and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced; and goods, wares, or merchandize, imported, and subject to duty as aforesaid, may be transported coastwise, to one or more districts within the United States.

Sec. 8. *And be it further enacted,* That any goods, wares, or merchandize, imported, and subject to duty as aforesaid, and belonging to a person or persons residing, and, at the time of such importation, being, out of the United States, shall not be admitted to entry, after six months after the passage of this act, and if imported from a port or place on this side the Cape of Good Hope, or, after fifteen months from the passage thereof, if imported from the Cape of Good Hope, or any port beyond the same, unless the invoice of such goods, wares, or merchandize, shall be verified in the manner required by the fifth section of this act, before the consul of the United States at the port at which the said goods, wares, or merchandize, were shipped, or before a consul of the United States in the country in which the said port may be; and such owner or owners shall further declare on oath, whether he or they are the manufacturers, in whole or in part, of such goods, wares, or merchandize, or are concerned, directly or indirectly, in the profits of any art or trade by which they have been brought to their present state of manufacture; and, if so, he or they shall further swear, that the prices charged in the aforesaid invoice are the current value of the same, at the place of manufacture, and such as he or they would have received, if the same had been there sold in the usual course of trade: *Provided,* that if there be no consul of the United States in the country from whence the shipment of such goods, wares, or merchandize, is made, the oath hereby required shall be made before a notary public, or other officer duly authorized to administer oaths, whose official character shall be certified by a consul of a nation at the time in amity with the United States, if there be one in such country.

Sec. 9. *And be it further enacted,* That for the appraisement of goods, wares, or merchandize, required by this act, or by any other act concerning imports and tonnage, the President of the United States, by and with the advice and consent of the Senate, shall appoint in each of the ports of Boston, New-York, Philadelphia, Baltimore, Charleston, and New-Orleans, two persons well qualified to perform that duty, on the part of the United States, who, before they enter thereon, shall severally make oath diligently and faithfully to inspect and examine such goods, wares, or merchandize, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof when purchased, at the place or places from whence the same were imported; and, when any appraisement is to be made in the said principal ports, the two appraisers so appointed therein, together with a respectable resident merchant, chosen by the party in interest, and sworn in like manner, to examine and report, shall make such appraisement, the said merchant having also made oath that he has no direct or indirect interest in the case, but when any appraisement is to be made in ports other than those above named, two respectable resident merchants selected by the collector, together with a respectable resident merchant, chosen by the party in interest, who shall have severally taken the oaths required by this section, shall be the appraisers: *Provided,* That in any case where the party in interest shall decline or neglect to choose a respectable resident merchant to join in such appraisement the collector shall make the selection necessary to the due execution of this act, and the appraisement so made by them, or a majority of them, shall be valid and effectual in law; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district to attend in any other district for the purpose of appraising any goods, wares, or merchandize, imported therein; and for such service they shall, respectively, receive at the rate of five dollars a day whilst engaged therein, and at the rate of five dollars for every twenty-five miles in going to, and returning from, such district; which shall form no part of the salary provided for by this act. And the President of the United States is here-

by authorized, in the recess of the Senate, to appoint the appraisers of the said ports, which appointments shall continue in force until the end of the next Session of Congress.

Sec. 10. *And be it further enacted,* That any merchant who shall be chosen by the collector, or by the party in interest, to make any appraisement required under this act, or under any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given, decline or neglect to assist at such appraisement, shall be subject to a fine of not more than fifty dollars, and to the costs of prosecution in any court of the United States having cognizance of the same.

Sec. 11. *And be it further enacted,* That whenever, in the opinion of the collector, there shall be just grounds to suspect that goods, wares, or merchandize, subject to an ad valorem duty, and imported into his district, have been invoiced below the true value of such goods, wares, or merchandize, in their actual state of manufacture, at the place from which they were imported, such collector shall direct the same to be appraised in the manner prescribed by the ninth section of this act; and of the value at which the same shall be appraised shall exceed, by twenty-five per centum, the invoice prices thereof, then, in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices according to law, there shall be added fifty per centum, on the appraised value; on which aggregate amount, the duties on such goods, wares, or merchandize, shall be estimated.

Sec. 12. *And be it further enacted,* That in all cases where the appraised value of any goods, wares, or merchandize, appraised under this, or any other act concerning imports and tonnage, shall exceed, by less than twenty five per centum the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandize, upon which the duty is to be estimated, with the addition of such per centum as is by law required; but in all cases where the appraised value shall be less than the invoice value, the duty shall be charged on the invoice value in the same manner as if no appraisement had been made.

Sec. 13. *And be it further enacted,* That any goods, wares, or merchandize, subject to an ad valorem duty, and belonging to a person, or persons, residing, and at the time of the importation thereof being, out of the United States, and which shall be imported in the United States, but for want of the verification required by the 8th section of this act not admitted to entry, shall be subject to the same appraisement, and to the same addition to the appraised value, as are prescribed by the eleventh section of this act, in the case of fraudulent invoices.

Sec. 14. *And be it further enacted,* That one half of the duty accruing on the additional fifty per centum, which may be imposed on any goods, wares, or merchandize, in virtue of the eleventh section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandize, may be, in the manner prescribed by the act, entitled, "an act to regulate the duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine.

Sec. 15. *And be it further enacted,* That before any goods, wares, or merchandize, which may be taken from any wreck, shall be admitted to entry, the same shall be appraised in the manner prescribed by the ninth section of this act; and the same proceedings shall also be had, where a reduction of duties shall be claimed, on account of damage which any goods, wares, or merchandize, imported into the United States, shall have sustained in the course of the voyage.

Sec. 16. *And be it further enacted,* That the expenses of appraisements made under this act, shall, in all cases, be borne by the owner or owners of the goods, wares, or merchandize, appraised, except when the appraisement ordered under the eleventh section shall not exceed the invoice value of such goods, wares, or merchandize, and where it shall be made on goods damaged by the voyage; and except, also, when the goods, wares, or merchandize appraised, shall have been taken from a wreck.

Sec. 17. *And be it further enacted,* That each of the appraisers who may be appointed under the ninth section of this act, in the several ports therein named, excepting New-York, shall receive, as a compensation for his services, one thousand five hundred dollars per annum, and the appraisers for the port of New-York shall receive each two thousand dollars per annum; and the merchants who may act as appraisers under this act shall receive for their services, while employed on that duty, a compensation of five dollars per diem; and the said sum of five dollars per diem, for each of the appraisers (whether official appraisers, or selected merchants) shall be paid to the collector, by the owner or agent of the goods, wares, or merchandize, appraised by them, respectively, in all cases where such owner or agent may be liable to the expense of appraisement, before the delivery of such goods, wares, or mer-

chandize, by the collector. The sums so received, shall be forthwith paid by such collector to the appraisers, and the amount so paid to the official appraisers shall be in part satisfaction of their salary.

Sec. 18. *And be it further enacted,* That for every verification made under this act, before a consul of the United States, such consul shall be entitled to demand and receive from the person making the same a fee of two dollars.

Sec. 19. *And be it further enacted,* That when any goods, wares, or merchandize, shall be admitted to entry upon invoice, the collector of the port in which the same are entered shall certify such invoice under his official seal; and no other evidence of the value of such goods, wares, or merchandize, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such invoice.

Sec. 20. *And be it further enacted,* That any person or persons, who shall counterfeit any certificate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction, thereof, before any court of the United States, having cognizance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

Sec. 21. *And be it further enacted,* That no discount shall be allowed on any goods, wares, or merchandize, subject to an ad valorem duty, admitted to entry, unless the importer shall expressly state, on oath or affirmation, that such discount has been actually and bona fide allowed to the owner or owners of such goods, wares, or merchandize, in the payment made for the same.

Sec. 22. *And be it further enacted,* That the collectors of the customs shall be required to cause at least one package out of every invoice, and one package at least out of every fifty packages, of every invoice of goods, wares, or merchandize, imported into their respective districts, to be opened and examined, and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandize, as may be included in the same entry, shall be made; and if any package is found to contain any article not described in the invoice, the whole package shall be forfeited, and in case such goods, wares, or merchandize, shall be subject to an ad valorem duty, the same proceedings shall be had, &c. the same penalties shall be incurred, as are provided in the eleventh section of this act: *Provided,* That nothing herein contained shall save from forfeiture any package having in it any article not described in the invoice.

Sec. 23. *And be it further enacted,* That any bond to the United States entered in to for the payment of duties, by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or persons by whom such bond shall have been executed.

Sec. 24. *And be it further enacted,* That in all cases of entry of merchandize for the benefit of drawback, the time of twenty days shall be allowed from the date of the clearance of the ship or vessel in which the same shall be laden, for giving the exportation bonds for the same: *Provided,* That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

Sec. 25. *And be it further enacted,* That all penalties and forfeitures incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted, in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the 3d day of March, one thousand seven hundred and ninety-seven.

Sec. 26. *And be it further enacted,* That this act shall continue in force for the term of two years from & after the passing thereof.

H. CLAY,
Speaker of the House of Representatives.
JOHN GAILLARD,
President of the Senate, pro tempore.
April 20, 1818.—Approved.
JAMES MONROE.

An act regulating the Staff of the Army.

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 "fixing the military peace establishment of the United States," passed the third of March, one thousand eight hundred and fifteen, as relates to hospital stewards and wardmasters, and so much of the "Act for organizing the general staff, and making further provision for the army of the United States," passed April twenty-fourth, one thousand eight hundred and sixteen, as relates to hospital surgeons, hospital sur-

geon's mates, judge advocates, chaplains, and forage, waggon, and barrack masters, and their assistants, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That there shall be one surgeon-general, with a salary of two thousand five hundred dollars per annum, one assistant surgeon general, with the emoluments of a hospital surgeon, one judge advocate, with the pay and emoluments of a topographical engineer, to each division, and one chaplain, stationed at the military academy at West-Point, who shall also be professor of geography, history and ethics, with the pay and emoluments allowed the professor of mathematics; and that the number of post surgeons be increased, not to exceed eight to a division.

Sec. 3. *And be it further enacted,* That so much of the act of the twenty-fourth April, one thousand eight hundred and sixteen, aforesaid, as relates to the quarter master general of division, shall be repealed, and the quarter master's department shall consist, in addition to the two deputy quarter masters general, and the four assistant deputy quarter masters general, now authorized, of one quarter master general, with the rank, pay, and emoluments of a brigadier general, and as many assistant deputy quarter masters general as the President shall deem proper, not exceeding in the whole number, twelve.

Sec. 4. *And be it further enacted,* That to each commissioned officer who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law, at the time of their discharge, three months pay and emoluments; and that the provisions of this act shall be carried into effect, on or before the first day of June next.

Sec. 5. *And be it further enacted,* That the pay and emoluments of the inspector generals of divisions, be, and are hereby raised to be equal to the pay and emoluments of the adjutant generals of division.

Sec. 6. *And be it further enacted,* That as soon as the state of existing contracts for the subsistence of the army shall in the opinion of the President of the United States, permit, there shall be appointed by the President, by and with the advice and consent of the Senate, one commissary general, with the rank, pay, and emoluments, of colonel of ordnance, who shall, before entering on the duties of his office, give bond and security, in such sum as the President may direct, and as many assistants, to be taken from the subalterns of the line, as the service may require, who shall receive twenty dollars per month, in addition to their pay in the line, and who shall, before entering on the duties of their office, give bond and security, in such sums as the President may direct. The commissary general and his assistants shall perform such duties in purchasing and issuing of rations to the army of the United States as the President may direct.

Sec. 7. *And be it further enacted,* That supplies for the army, unless, in particular and urgent cases, the Secretary of War should otherwise direct, shall be purchased by contract, to be made by the commissary general on public notice, to be delivered on inspection in the bulk and at such places as shall be stipulated; which contract shall be made under such regulations as the Secretary of War may direct.

Sec. 8. *And be it further enacted,* That the President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the army and economy may require.

Sec. 9. *And be it further enacted,* That the commissary general and his assistants shall not be concerned, directly or indirectly, in the purchase or sale in trade or commerce of any article entering into the composition of the ration allowed to the troops in the service of the United States, except on account of the United States, nor shall such officer take and apply to his own use any gain or emolument for regulating or transacting any business connected with the duties of his office, other than what is or may be allowed by law; and the commissary general and his assistants shall be subject to martial law.

Sec. 10. *And be it further enacted,* That all letters to and from the commissary general, which may relate to his official duties, shall be free from postage: *Provided,* that the sixth, seventh, eighth, ninth, and tenth sections of this act shall continue and be in force for the term of five years from the passing of the same, and thence until the end of the next session of Congress, and no longer.

April 14, 1818.—Approved.
JAMES MONROE,

J. BASCOM,
SURGEON-DENTIST,

RESPECTFULLY informs the Public, that he will remain a few days at the Eagle Hotel, in Raleigh, where he will perform all operations in the line of his Profession, to the satisfaction of those who honor him with their notice. He will attend those who prefer it, at their respective places of residence.

N. B. Satisfactory recommendation can be produced, if required.
April 17, 1818.