

vessel be built within the said States, and belong to a citizen or citizens thereof, shall, on each entry, pay fifty cents per ton.

Act to commence August 15, 1789.

SEC. 4. *And be it further enacted*, That this act shall commence and be in force from and after the fifteenth day of August next.

APPROVED, July 20, 1789.

STATUTE I.

July 27, 1789.

CHAP. IV.—*An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.*(a)

Altered by act of September 15, 1789, ch. 14, sec. 1.

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 an Executive department, to be denominated the Department of

(a) Before the adoption of the Constitution of the United States the following resolution was adopted: *Resolved*, That the Department of Foreign Affairs be under the direction of such officer as the United States, in Congress assembled, have already for that purpose appointed, or shall hereafter appoint, who shall be styled, "Secretary to the United States of America for the Department of Foreign Affairs;" shall reside where Congress or a committee of the States shall sit, and hold his office during the pleasure of Congress.

That the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access: Provided, That no copy shall be taken of matters of a secret nature, without the special leave of Congress.

That the correspondence and communications with the ministers, consuls and agents of the United States, in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said Secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: Provided always, That letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection, and receive the approbation of Congress before they shall be transmitted.

That the Secretary for the Department of Foreign Affairs correspond with the Governors or Presidents of all or any of the United States, affording them such information from his department as may be useful to their States or to the United States, stating complaints that may have been urged against the government of any of the said States, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such State, or the charge proved to be groundless, and the honour of the government vindicated.

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject; and if he conceives it necessary, accompany such memorial with his report thereon; he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions.

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary.

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction, he may at all times attend upon Congress, and shall particularly attend when summoned or ordered by the President.

He may give information to Congress respecting his department, explain and answer objections to his reports, when under consideration, if required by a member, and no objection be made by Congress; he shall answer to such inquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the Secretary, be delivered by him in writing.

He shall have free access to the papers and records of the United States, in the custody of their Secretary, or in the offices of finance and war, or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary.

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States.

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded.

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the Secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts may govern themselves thereby, in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or, if necessary, more clerks, to assist him in the business of his office.

Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Secretary of Foreign Affairs, his duties.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Principal clerk, his duty.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

Oath of office.

SEC. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the Department of Foreign Affairs, heretofore established by the United States in Congress assembled.

Secretary to take charge of papers, &c. of foreign department.

APPROVED, July 27, 1789.

STATUTE I.

CHAP. V.—*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.*

July 31, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the due collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares and merchandises imported into the United States, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

Repealed by act of August 4, 1790, ch. 35, sec. 73.

The State of New Hampshire shall be one district, to include the town of Portsmouth as the sole port of entry; and the towns of New-castle, Dover and Exeter, as ports of delivery only; but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a naval officer, collector

District and ports in New Hampshire.

*Resolved*, That the salaries annexed to this department be as follows:

To the Secretary of the United States for the Department of Foreign Affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each, five hundred dollars per annum.

*Resolved*, That the Secretary for the Department of Foreign Affairs, and each of the persons employed under him, shall take an oath before a judge of the State where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

By an act passed September 15, 1789, chap. 14, the Executive department denominated the Department of Foreign Affairs, was declared to be, thereafter, denominated the Department of State.