



U.S. Coast Guard History Program

Frequently Asked Questions

ALEXANDER HAMILTON'S LETTER OF INSTRUCTIONS TO THE COMMANDING OFFICERS OF THE REVENUE CUTTERS

Treasury Department,
June 4th, 1791

Sir:

As you are speedily to enter upon the duties of your station it becomes proper briefly to point them out to you. Accordingly I send you a copy of the Act under which you have been appointed, and which are contained your powers and the objects to which you are to attend, and I shall add such observations as appears to me requisite to guide you in fulfilling the intent of that act.

It may be observed generally that it will be in a partial manner, the province of the Revenue Cutter to guard Revenue laws from all infractions, or breaches, either upon the coasts or within the bays, or upon the rivers and other waters of the United States, previous to the anchoring of vessels within the harbors for which they are respectively destined.

Hence, it will be necessary for you from time to time to ply along the coasts in the neighborhood of your station, and to traverse the different parts of the waters which it comprehends. To fix yourself constantly or even generally at one position, would in a great measure defeat the purpose of the establishment. It would confine your vigilance to a particular spot, and allow full scope to fraudulent practices, everywhere else.

The 63d section of the act herewith transmitted, declared that the officers of the Revenue Cutters are to be deemed officers of the Customs, and enumerates certain powers with which they are to be invested. The 30th section treating of the same powers, that of demanding manifests and that of searching vessels, enters into some details concerning them. These sections require particular attention as marking the outline of authority and duty, but in the capacity of officers of the Customs you will possess some other powers, and be bound to perform some other duties which are not mentioned in those sections. You will have a right for examination, and it will be your duty to seize vessels and goods in the cases in which they are liable to seizure for breaches of the Revenue laws, when they come under your notice, but all the power you can exercise will be found in some provisions of the law and it must be a rule with you to exercise none with which you are not clearly invested. In every case of doubt you

will follow the advice of the officer to whom you will be referred in a separate letter. On points of importance which admit of delay you may correspond with the Secretary of the Treasury.

The 9th, 10th, 11th, and 12th sections which relate to manifests will also require your particular attention. The clear observance of the provisions of these sections is considered as of material consequences to the Secretary of the Treasury, and ample time having been allowed for them to be generally known and compiled with, it is now indispensable that they should be strictly enforced.

You will perceive that they are only required in respect to vessels belonging wholly or in part to a citizen or citizens, inhabitant or inhabitants of the United States. It is understood that by inhabitant is intended any person residing in the United States, whether citizen or foreign. The reason of the limitation is that citizens and resident foreigners are supposed to be acquainted with the laws of the country; but that foreign citizens residing in foreign countries, have not the same knowledge, and consequently ought not to be subjected to penalties in regard to a thing which they might not know to be necessary.

But since you cannot be presumed to know beforehand what vessels are owned in whole or in part by citizens or inhabitants, it will, of course, be your duty to demand the manifests of all indiscriminately, and to report those from which you do not receive them, to the Collector of the District for which they are bound, and you will at the end of every month (pursuing the division of the year by the calendar) send me an abstract of your records.

Careful attention is likewise due to the 13th and 14th sections of the act. It is of importance that vessels should not break bulk, or put out any part of their cargo even temporarily, previous to a regular entry and permission obtained, except in cases of real necessity, to be duly reported and proved. You will observe that besides the penalties on the masters and mates of the vessels from on board of which any goods shall have been illegally removed, the master or commander of the vessel or boat into which they may be received, and all persons aiding in the removal, are liable to a forfeiture of treble the value of the goods removed, and the vessel or boat into which they may be received is also subject to forfeiture. It is well known that one of the most extensive cases of illicit trade is that which is here intended to be guarded against--that of unlading goods before the arrival of a vessel into port, in coasters and other small vessels, which convey them clandestinely to land. Hence, the bare removal of goods from one vessel to another is made penal, though they may not have been landed. Nor will the pretext of their being intended to be replaced avail anything. The provisions of these sections admonish you to keep a careful eye upon the motions of coasting vessels, without, however, interrupting or embarrassing them unless where some strong ground of suspicion requires that they should be visited and examined.

The execution of the 15th section of the Act essentially depends on the Revenue Cutters. It is easy to see that it would be dangerous to the revenue for vessels to be permitted to go at pleasure from one part of the United States to another without announcing themselves to some proper officer. Hence, though each may proceed on her voyage from a more exterior to a more interior district to which she may be bound--yet none can go back from a more interior to more

exterior Districts, or from one part of the United States to another without first reporting himself to the Collector of the District, in order that he may come under the notice and precautions of the law. Nor can this be deemed a hardship; seeing her report will not oblige her to unlade any part of her cargo, but she may afterwards proceed with it wheresoever she pleases.

I have now noticed to you the principal parts of the law which immediately relate to the execution of your duty. It will, however, be incumbent upon you to make yourself acquainted with all the revenue laws, which concern foreign commerce, or the coasting trade--a knowledge of the whole spirit and tendency of which cannot but be a useful guide to you in your particular sphere. You will observe that the law contemplates the officers of cutters in certain cases remaining on board of vessels, until they arrive at their places of destination; and with a view to this it is that so many officers have been assigned to each cutter. It is not, however, expected that this will be done in every case, and it must be left to the discretion of the commanding officer when it shall be done--when there is a vessel, the lading of which is of very great value, or which has any considerable quantity of goods on deck, or in other situations from which they can readily be removed; or where the nature of the cargo is such as to admit more easily a clandestine landing, or from the highness of the duties to afford a more than ordinary temptation, or where a vessel is bound to a very interior district up long bays or rivers, or when any suspicious circumstances appear; in these and the like cases, it will be well to let an officer accompany the vessel to her place of destination. The want of a manifest will be a circumstance in favor of so doing. It will not, however, be advisable to make known the circumstances under which it is deemed most peculiarly proper to use these precautions; as it might sometimes unnecessarily give offense. It may be always left to be understood, that it is the practice whenever the state of the cutter renders it convenient. You are empowered, amongst other things, to affix seals on packages found in certain situations. For this purpose, proper seals will be prepared and transmitted. Till they are required, any other may be made use of. The principal design of this provision is to identify the packages found in such situations.

It will be expected that a regular journal be kept in each cutter, in the same manner, as far as circumstances are applicable, as is practiced in sea voyages, and that all occurrences, relative to the execution of the laws, and to the conduct of all vessels which come under their notice, be summarily noticed therein, and that a copy of this journal to the end of each month be regularly forwarded to the Treasury.

It has also occurred that the cutters may be rendered an instrument of useful information, concerning the coast, inlets, bays and rivers of the United States, and it will be particularly acceptable if the officers improve the opportunities they have (as far as shall be consistent with the duties they are to perform) in making such observations and experiments in respect to the objects, as may be useful in the interests of navigation, reporting the result, from time to time to the Treasury.

While I recommend in the strongest terms to the respective officers, activity, vigilance and firmness, I feel no less solicitude, that their deportment may be marked with prudence, moderation and good temper. Upon these last qualities, not less that the former, must depend

the success, usefulness and consequently continuance of the establishment in which they are included. They cannot be insensible that there are some prepossessions against it, that the charge with which they are intrusted [sic] is a delicate one, and that it is easy by mismanagement, to produce serious and extensive clamour, disgust and odium.

They will always keep in mind that their countrymen are freemen, and, as such, are impatient of everything that bears the least mark of a domineering spirit. They will, therefore, refrain, with the most guarded circumspection, from whatever has the semblance of haughtiness, rudeness, or insult. If obstacles occur, they will remember that they are under the particular protection of the laws and that they can meet with nothing disagreeable in the execution of their duty which these will not severely reprehend. This reflection, and a regard to the good of the service, will prevent, at all times a spirit of irritation or resentment. They will endeavor to overcome difficulties, if any are experienced, by a cool and temperate perseverance in their duty--by address and moderation, rather than by vehemence or violence. The former style of conduct will recommend them to the particular approbation of the President of the United States, while the reverse of it--even a single instance of outrage or intemperate or improper treatment of any person with whom they have anything to do, in the course of their duty, will meet with his pointed displeasure, and will be attended with correspondent consequences.

The foregoing observations are not dictated by any doubt of the prudence of any of those to whom they are addressed. These have been selected with so careful an attention to character, as to afford the strongest assurance, that their conduct will be that of good officers and good citizens. But, in an affair so delicate and important, it has been judged most advisable to listen to the suggestions of caution rather than of confidence, and to put all concerned on their guard against those sallies to which even good and prudent men are occasionally subject. It is not doubted that the instructions will be received as it ought to be, and will have its due effect. And that all may be apprized [sic] of what is expected you will communicate this part of your orders, particularly, to all your officers, and you will inculcate upon your men a correspondent disposition.

The 5th section of the Act, requires that all officers appointed pursuant to this Act, should take a certain oath therein specified. The Act of the 1st of June, 1789, requires that you should also take the oath to support the Constitution of the United States. These oaths, each of your officers must take before some Judge of the United States, if access can conveniently be had to one. If not, before some other magistrate, duly empowered to administer oaths, and a certificate from him, of the taking of it, must be transmitted to the Comptroller of the Treasury.

I am sir, your obedient servant,

ALEXANDER HAMILTON,
Secretary of the Treasury