

# TITLE XLVIII.

## REGULATION OF COMMERCE AND NAVIGATION.

### CHAPTER ONE.

#### REGISTRY AND RECORDING.

Sec.	Sec.
4131. What are vessels of the United States. By whom may be commanded.	4164. Registry upon sale under legal process.
4132. What vessels are entitled to register.	4165. Sale to foreigners.
4133. Vessels owned by non-resident citizens.	4166. Registry upon sale abroad.
4134. Vessels owned by non-resident naturalized citizens.	4167. Oath upon loss of register.
4135. American vessel taking foreign flag.	4168. Surrender of certificate obtained upon loss of original.
4136. Wrecked vessels.	4169. Penalty for not obtaining new registry.
4137. Vessels owned by corporations.	4170. New registry upon sale or alteration of vessel.
4138. New registry upon death, &c., of officer of corporation.	4171. Change of master.
4139. Oath of officer of corporation.	4172. Failure to report sale to foreigner.
4140. Nationalization of vessels in Alaska.	4173. Oath upon entry.
4141. Vessels where registered.	4174. Transmission of surrendered certificate to Treasury.
4142. Oath for registry, by owner.	4175. Cancellation of bond.
4143. Forfeiture for false swearing.	4176. Numbering registers.
4144. Oath by master.	4177. Numbers for vessels.
4145. Bond for registry.	4178. Names of vessels to be painted on stern.
4146. Condition of bond.	4179. Change of name of registered vessel.
4147. Carpenter's certificate.	4180. Oath to obtain record of vessel owned by foreigner.
4148. Measurement of vessel.	4181. Measurement for record.
4149. Certificate of measurement.	4182. Certificate of record.
4150. Mode of measurement.	4183. Change of master or name of recorded vessel.
4151. No measurement of cabins or state-rooms for tonnage.	4184. Production of certificate upon entry.
4152. Rules of measurement limited to what vessels.	4185. Fees of collectors.
4153. Tonnage.	4186. Fees of surveyors.
4154. Measurement of foreign vessels.	4187. Penalty for misconduct by officers.
4155. Form of register.	4188. Penalty for neglect by officers.
4156. Variations from form.	4189. Penalty for fraudulent registry.
4157. Blank certificates of registry.	4190. Sea-letters, to what vessels issued.
4158. Issuing certificates of registry.	4191. Making or using forged sea-letters.
4159. Registry upon purchase of vessel.	4192. Conveyance of vessels; lien by bottomry.
4160. Surrender of certificate granted to purchaser.	4193. Record of bills of sale, mortgages, &c.; acknowledgments.
4161. Registry by agent.	4194. Index of records.
4162. Surrender of certificate granted to agent.	4195. Certified copies of records.
4163. Forfeiture for false swearing by agent.	4196. Interest to be named in bills of sale.

What are vessels of the United States.

31 Dec., 1792, c. 1, s. 1, v. 1, p. 257.

By whom may be commanded.

Ibid.

SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States. And officers of vessels of the United States shall in all cases be citizens of the United States.

SEC. 4132. Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this Title.

SEC. 4133. No vessel shall be entitled to be registered, or, if registered, to the benefits of registry, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be a consul of the United States, or an agent for and a partner in some house of trade or copartnership, consisting of citizens of the United States actually carrying on trade within the United States.

SEC. 4134. No vessel shall be entitled to be registered as a vessel of the United States, or, if registered, to the benefits of registry, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be a consul or other public agent of the United States. Nothing contained in this section shall be construed to prevent the registering anew of any vessel before registered, in case of a sale thereof in good faith to any citizen resident in the United States; but satisfactory proof of the citizenship of the person on whose account a vessel may be purchased shall be exhibited to the collector, before a new register shall be granted for such vessel.

SEC. 4135. No vessel which has been recorded or registered as an American vessel of the United States, pursuant to law, and which was licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, shall be deemed or registered as a vessel of the United States, or shall have the rights and privileges of vessels of the United States, except under provisions of law especially authorizing such registry.

SEC. 4136. The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

SEC. 4137. Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

SEC. 4138. Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

SEC. 4139. Previously to granting a register for any vessel, owned by any company, the president or secretary thereof shall swear to the ownership of the vessel, by such company, without designating the names of the persons composing the company; and the oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

SEC. 4140. The Secretary of the Treasury may make such regulations as he may deem expedient, for the nationalization of all vessels owned by actual residents of the Territory of Alaska, on the twentieth day of June, eighteen hundred and sixty-seven, and which continued to be so owned up to the date of such nationalization.

SEC. 4141. Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of her registry; which

What vessels are entitled to register.

31 Dec., 1792, c. 1, s. 2, v. 1, p. 288.

Vessels owned by non-resident citizens.

Ibid.

U. S. vs. Gillies, Pet. C. C., 159.

Vessel owned by non-resident naturalized citizens.

27 March, 1804, c. 52, s. 1, v. 2, p. 296.

American vessel taking foreign flag.

10 Feb., 1866, c. 8, v. 14, p. 3.

Wrecked vessels.

23 Dec., 1852, c. 4, v. 10, p. 149.

23 July, 1866, c. 213, v. 14, p. 212.

The Mohawk, 3 Wall., 566.

Vessels owned by corporations.

3 March, 1825, c. 99, s. 2, v. 4, p. 129.

New registry upon death, &c., of officer of corporation.

Ibid., s. 3.

Oath of officer of corporation.

Ibid., ss. 4, 5.

Nationalization of vessels in Alaska.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

Vessels where registered.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

*Hays vs. Steamship Co.*, 17 How., 596; *Morgan vs. Parham*, 16 Wall., 471; *Blanchard vs. Martha Washington*, 1 Cliff., 466; *Hill vs. Steamer Golden Gate*, Newb., 308.

Oath for registry, by owner.

31 Dec., 1792, c. 1, s. 4, v. 1, p. 289.  
29 July, 1850, c. 27, s. 5, v. 9, p. 441.

*The Schooner Active*, Olcott, 286; *Weston vs. Penniman*, 1 Mas., 306.

port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

SEC. 4142. In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

Forfeiture for false swearing.

31 Dec., 1792, c. 1, s. 4, 11, v. 1, pp. 289, 293.

*U. S. vs. Grundy*, 3 Cr., 338; *The Venus*, 8 Cr., 253.

Oath by master.

31 Dec., 1792, c. 1, s. 4, 11, 12, v. 1, pp. 289, 293.

SEC. 4143. If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

SEC. 4144. If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall, himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars.

Bond for registry.

31 Dec., 1792, c. 1, s. 7, v. 1, p. 290.

*U. S. vs. Monell Taney*, 47.

SEC. 4145. Previous to the registry of any vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district whose duty it is to make such registry, shall give bond to the United States, if such vessel be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars.

Condition of bond.

*Ibid.*

SEC. 4146. The conditions of the bond given to obtain the registry of a vessel shall in each case be that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that, in case such vessel shall be lost, or taken by an enemy, burned, or broken up,

or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel, within any district of the United States, to the collector of such district; and that if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of or interest in such vessel, the same being within a district of the United States, the certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and that if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

SEC. 4147. In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

SEC. 4148. Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry.

SEC. 4149. The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. [See § 4178.]

SEC. 4150. The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the

Carpenter's certificate.

*Ibid.*, s. 8.

Measurement of vessel.

*Ibid.*, s. 6.

6 May, 1864, c. 83, s. 1, v. 13, p. 69.

Certificate of measurement.

31 Dec., 1792, c. 1, s. 6, v. 1, p. 290.

Mode of measurement.

6 May, 1864, c. 83, s. 2, v. 13, p. 69.

depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

No measurement of cabins or state-rooms for tonnage.

28 Feb., 1865, c. 70, v. 13, p. 444.

Rules of measurement limited to what vessels.

6 May, 1864, c. 83, s. 5, v. 13, p. 72.

Tonnage.

6 May, 1864, c. 83, s. 3, v. 13, pp. 70-72.

SEC. 4151. No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

SEC. 4152. The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

SEC. 4153. The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

#### TABLE OF CLASSES.

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor-timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down

to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area, by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, or the spar-deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths, multiply the whole sum by one-third of

the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary-line of measurement, and the depth shall be taken from an athwart-ship line, extending from the upper edge of such strake at each division of the length.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States.

Measurement of  
foreign vessels.

2 March, 1799, c.  
22, s. 64, v. 1, p.  
675.

SEC. 4154. In order to ascertain the tonnage of any vessel, except as otherwise provided in this Title, and in Title L, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the vessel be double-decked, take the length thereof from the fore part of the main stem to the after part of the stern-post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five; the quotient whereof shall be deemed the true contents or tonnage of such vessel. If such vessel be single-decked, the surveyor, or other person, shall take the length and breadth as above directed, in respect to a double-decked vessel, shall deduct from the length three-fifths of the breadth and, taking the depth from the under side of the deck-plank to the ceiling in the hold, shall multiply and divide in the same manner, and the quotient shall be deemed the tonnage of such vessel.

Form of register.

31 Dec., 1792, c.  
1, s. 9, v. 1, p. 291.  
29 July, 1850, c.  
27, s. 5, v. 9, p. 441.

SEC. 4155. When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (in-

serting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length.)

SEC. 4156. When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

Variation from form.

31 Dec., 1792, c. 1, s. 9, v. 1, p. 291.

SEC. 4157. It shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

Blank certificates of registry.

3 March, 1813, c. 50, s. 1, v. 2, p. 818.

SEC. 4158. The Secretary of the Treasury shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the collectors, respectively; by whom also the certificate shall be signed and sealed, before they are issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Register, who shall cause a record to be kept of the same.

Issuing certificates of registry.

31 Dec., 1792, c. 1, s. 10, v. 1, p. 292.

SEC. 4159. Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

Registry upon purchase of vessel.

Ibid., s. 11.

SEC. 4160. Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Surrender of certificate granted to purchaser.

Ibid.

SEC. 4161. Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than

Registry by agent.

Ibid., s. 12.



fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title, such vessel ought to be deemed to belong; it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

Surrender of certificate granted to agent.

Ibid.

SEC. 4162. Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Forfeiture for false swearing by agent.

Ibid.

SEC. 4163. If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

Registry upon sale under legal process.

2 March, 1797, c. 7, v. 1, p. 498.

SEC. 4164. Whenever it appears, by satisfactory proof, to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

Sale to foreigners.

27 June, 1797, c. 5, v. 1, p. 523.

27 March, 1804, c. 52, s. 2, v. 2, p. 297.

SEC. 4165. No vessel which is registered, pursuant to any law of the United States, and which is seized or captured and condemned, under the authority of any foreign power, or which by sale becomes the property of a foreigner, shall be entitled to or capable of receiving a new register, notwithstanding such vessel should afterward become American property; but all such vessels shall be taken and considered, to all intents and purposes, as foreign vessels. Nothing in this section shall extend to or be construed to affect the person owning any vessel at the time of the seizure or capture of the same, or his executor or administrator, or shall prevent such owner or his executor or administrator, in case he regain a property in such vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he otherwise might have done.

Registry upon sale abroad.

2 March, 1803, c. 18, s. 3, v. 2, p. 210.

SEC. 4166. When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the

registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

SEC. 4167. Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

SEC. 4168. Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars; and the former register shall become null and void.

SEC. 4169. In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered, with costs of suit.

SEC. 4170. Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew.

SEC. 4171. When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that

Oath upon loss of register.

31 Dec., 1792, c. 1, s. 13, v. I, p. 294.

Surrender of certificate obtained upon loss of original.

Ibid.

Penalty for not obtaining new registry.

Ibid., s. 14.

New registry upon sale or alteration of vessel.

Ibid.

U. S. vs. Willings, 4 Cr., 48; Insurance Co. vs. Polleys, 13 Pet., 157; Weston vs. Penniman, 1 Mas., 306; Ohl vs. Eagle Insurance Co., 4 Mas., 172; D'Wolf, jr., vs. Harris, 4 Mas., 515.

Change of master.

Ibid., s. 15, p. 295.

such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

Failure to report  
sale to foreigners.

*Ibid.*, s. 16.

*The Margaret*, 9  
Wh., 421; *The*  
*Florenzo*, 1 Blatch.  
& H., 52.

SEC. 4172. If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

Oath upon entry.

*Ibid.*, s. 17.

*U. S. vs. Willings*,  
4 Cr., 48.

SEC. 4173. Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

Transmission of  
surrendered certi-  
ficate to Treasury.

*Ibid.*, s. 7, p. 290.

*Catlett vs. Insur-*  
*ance Co.*, 1 Paine,  
594.

SEC. 4174. Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Register of the Treasury, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district.

Cancellation of  
bond.

*Ibid.*, s. 18, p. 206.

SEC. 4175. Whenever the master or owner of a vessel shall deliver up the register of such vessel, agreeably to the provisions of this Title, if to the collector of the district where the same was granted, the collector shall thereupon cancel the bond which shall have been given at the time of granting such register; or if to the collector of any other district, such collector shall grant to the master, commander, or owner, a receipt or acknowledgment that such register has been delivered to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Numbering reg-  
isters.

*Ibid.*, s. 19.

SEC. 4176. The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the cer-

tificates which shall have been granted by him, including the number of each.

SEC. 4177. The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

SEC. 4178. The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

SEC. 4179. No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

SEC. 4180. Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

SEC. 4181. The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained.

SEC. 4182. A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII, 'REGULATION OF COMMERCE AND NAVIGATION,' of the Revised Statutes of the United States, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master,

Numbers for vessels.

28 July, 1866, c. 298, s. 13, v. 14, p. 331.

Names of vessels to be painted on stern.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

Change of name of registered vessel.

5 May, 1864, c. 78, s. 2, v. 13, p. 64.

Oath to obtain record of vessel owned by foreigner.

31 Dec., 1792, c. 1, s. 20, v. 1, p. 296.

Measurement for record.

Ibid., s. 21.

Certificate of record.

Ibid., s. 22.

was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet); and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Register of the Treasury to be recorded in his office.

Change of master or name of recorded vessel.

*Ibid.*, s. 23, p. 297.

SEC. 4183. Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Register of the Treasury; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title.

Production of certificate upon entry.

*Ibid.*, s. 24.

SEC. 4184. The master or other person having the command or charge of any vessel, recorded in pursuance of this Title, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

Fees of collector.

*Ibid.*, s. 25.

SEC. 4185. The fees to be allowed and paid to collectors for services pertaining to the registry or record of vessels shall be as follows: For each certificate of registry or record, two dollars; for each indorsement upon a certificate of registry or record, one dollar; and for taking any bond required by this Title, twenty-five cents.

Fees of surveyors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.  
6 May, 1864, c. 83, s. 4, v. 13, p. 72.

SEC. 4186. The fees to be allowed and paid to surveyors shall be as follows: For the admeasurement and certifying the same, of any vessel of one hundred tons and under, one cent per ton; for the admeasurement of any vessel above one hundred tons and not exceeding two hundred tons, one dollar and fifty cents; for the admeasurement of any vessel above two hundred tons, two dollars; for all other services to be performed by such surveyor, on board any vessel of one hundred tons or upward, having on board goods, wares, or merchandise subject to duty, three dollars; for the like services on board any vessel of less than one hundred tons burden, having on board goods, wares, or merchandise subject to duty, one and a half dollars; on all vessels not having on board goods, wares, or merchandise subject to duty, two-thirds of a dollar. All such fees shall be paid by the master or owner of the vessel in which the services shall be performed to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit; but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the services shall also be performed. But the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck;

and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew, above the upper or spar deck.

SEC. 4187. Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title, or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

Penalty for misconduct by officers.

31 Dec., 1792, c. 1, s. 26, v. 1, p. 298.

SEC. 4188. If any person authorized and required by this Title to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of five hundred dollars for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

Penalty for neglect by officers.

*Ibid.*

SEC. 4189. Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

Penalty for fraudulent registry.

18 July, 1866, c. 201, s. 24, v. 14, p. 184.

Wh., 601; *The Luminary*, 8 Wh., 407; *The Margaret*, 9 Wh., 421; U. S. *vs.* *Brig Burdett*, 9 Pet., 682; *The Mohawk*, 3 Wall., 566.

*The Neptune*, 3

SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

Sea-letters, to what vessels issued.

26 March, 1810, c. 19, v. 2, p. 568.

SEC. 4191. Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States. [See § 5423.]

Making or using forged sea-letters, &c.

2 March, 1803, c. 18, s. 1, v. 2, p. 209.

SEC. 4192. No bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel, of the United States, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, and persons having actual notice thereof, unless such bill of sale, mortgage, hypothecation, or conveyance is recorded in the office of the collector of the customs where such vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage, by a loan of money or materials necessary to repair or enable her to prosecute a voyage, shall not, however, lose its priority, or be in any way affected by the provisions of this section.

Conveyance of vessels; lien by bottomry.

29 July, 1850, c. 27, s. 1, v. 9, p. 440.

*Hays vs. Pacific Mail Steamship Co.*, 17 How., 598; *White's Bank vs. Smith*, 7 Wall., 646; *Aldrich vs. Etna*

*Com.*, 8 Wall., 491; *Mott vs. Ruckman*, 3 Blatch., 71; *Hill vs. Steamer Golden Gate*, Newb., 308; *Thompson vs. Van Vechten*, 5 Abb. Pr., 458; *Potter vs. Irish*, 10 Gray, 416; *Chadwick vs. Baker*, 54 Me., 9; *Blanchard vs. Brig Martha Washington*, 1 Cliff., 463.

Record of bills of sale, mortgages, &c.; acknowledgments.

*Ibid.*, s. 2.  
3 March, 1865, c. 101, s. 1, v. 13, p. 518.

Index of records.

29 July, 1850, c. 27, s. 3, v. 9, p. 440.

Certified copies of records.

*Ibid.*, s. 4, p. 441.  
Interests to be named in bills of sale.

*Ibid.*, s. 5.

SEC. 4193. The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and, also, all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received; and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; and shall receive, for so recording such instrument of conveyance or certificate of discharge, fifty cents; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded, unless the same is duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

SEC. 4194. The collectors of the customs shall keep an index of such records, inserting alphabetically the names of the vendor or mortgagor, and of the purchaser or mortgagee, and shall permit such index and books of records to be inspected during office-hours, under such reasonable regulations as they may establish, and shall, when required, furnish to any person a certificate, setting forth the names of the owners of any vessel registered or enrolled, the parts or proportions owned by each, if inserted in the register or enrollment, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance upon such vessel, recorded since the issuing of the last register or enrollment, viz, the date, amount of such incumbrance, and from and to whom or in whose favor made. The collector shall receive for each such certificate one dollar.

SEC. 4195. The collectors of the customs shall furnish certified copies of such records, on the receipt of fifty cents for each bill of sale, mortgage, or other conveyance.

SEC. 4196. All bills of sale of vessels registered or enrolled, shall set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

## CHAPTER TWO.

### CLEARANCE AND ENTRY.

Sec.

- 4197. Granting clearances.
- 4198. Oath of master.
- 4199. Form of manifest.
- 4200. Manifests of shippers.
- 4201. Form of clearance.
- 4202. State inspection laws.
- 4203. Conveyance of the mails.
- 4204. Conveyance of bullion, coin, &c., for the United States.
- 4205. Clearance of vessel laden with live-oak.
- 4206. Payment of fees on vessels outward bound.
- 4207. Copy of rates of consular fees to be annexed to clearance.

Sec.

- 4208. Steamboats on Lake Champlain.
- 4209. Production and deposit of papers of foreign vessels.
- 4210. Exception in certain cases.
- 4211. Delivery of papers by foreign consul.
- 4212. Oath of masters to delivery of mails.
- 4213. Copy of receipts of consular fees, &c.
- 4214. Pleasure-yachts.
- 4215. Signals of yachts.
- 4216. Yachts belonging to foreign yacht-clubs.
- 4217. Commissions to yachts.
- 4218. Entry of yachts.

Granting clearances.

2 March, 1799, c. 22, s. 93, v. 1, p. 698.

*Bas vs. Steele*, 3 Wash., 381.

SEC. 4197. The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any

vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as hereby required, the master or other person having the charge or command of such vessel shall be liable to a penalty of five hundred dollars for every such offense. [See §§ 5320, 5321.]

SEC. 4198. The oath to be taken by the master or commander of the vessel shall be as follows:

Oath of master.

Ibid.

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

SEC. 4199. The form of the report and manifest to be delivered to the collector shall be as follows:

Form of manifest.

Ibid.

Report and manifest of the cargo laden at the port of \_\_\_\_\_, on board  
the \_\_\_\_\_, master, bound for \_\_\_\_\_ port.

Marks.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

SEC. 4200. Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing. [See 3987, 5564, 5565.]

Manifests of shippers.

10 Feb., 1820, c. 11, s. 11, v. 3, p. 542.



Form of clearance.

2 March, 1799, c. 22, s. 93, v. 1, p. 699.

SEC. 4201. The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of \_\_\_\_\_, ss,  
Port of \_\_\_\_\_ :

These are to certify all whom it doth concern, that \_\_\_\_\_, master or commander of the \_\_\_\_\_, burden \_\_\_\_\_ tons, or thereabouts, mounted with \_\_\_\_\_ guns, navigated with \_\_\_\_\_ men, \_\_\_\_\_ built, and bound for \_\_\_\_\_, having on board \_\_\_\_\_, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand \_\_\_\_\_, and in the \_\_\_\_\_ year of the Independence of the United States of America.

State inspection laws.

Ibid.

Bas vs. Steele, 3 Wash., 381.

SEC. 4202. The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

Conveyance of the mails.

25 March, 1864, c. 40, s. 1, v. 13, p. 36.

SEC. 4203. All vessels belonging to the citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. [See § 3976.]

Conveyance of bullion, coin, &c., for the United States.

4 July, 1864, c. 294, s. 10, v. 13, p. 392.

SEC. 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

Clearance of vessel laden with live-oak.

3 March, 1833, c. 67, s. 3, v. 4, p. 647.

SEC. 4205. Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy. [See § 2463.]

Payment of fees on vessels outward bound.

3 March, 1797, c. 9, s. 5, v. 1, p. 503.

2 March, 1799, c. 22, s. 93, v. 1, p. 699.

Copy of rates of consular fees to be annexed to clearance.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

Steamboats on Lake Champlain.

3 March, 1817, c. 109, s. 3, v. 3, p. 390.

6 May, 1822, c. 56, s. 4, v. 3, p. 681.

SEC. 4206. Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

SEC. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services. [See §§ 17, 18.]

SEC. 4208. The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without

regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board. [See § 312s.]

SEC. 4209. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.

SEC. 4210. The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation.

SEC. 4211. It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand.

SEC. 4212. Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath, showing that he has promptly delivered at such foreign port, all mails placed on board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States. [See §§ 3976, 3988.]

SEC. 4213. It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified. [See § 1726.]

SEC. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

SEC. 4215. All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners

Production and deposit of papers of foreign vessels.

3 March, 1817, c. 40, s. 1, v. 3, p. 362.

Exception in certain cases.

Ibid.

Delivery of papers by foreign consul.

Ibid., s. 2.  
23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

Oath of masters to delivery of mails.

25 March, 1864, c. 40, s. 2, v. 13, p. 36.

Copies of receipts of consular fees, &c.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 59.

Pleasure-yachts.

7 Aug., 1848, c. 141, s. 2, v. 9, p. 274.  
29 June, 1870, c. 170, s. 1, v. 16, p. 171.

Signals of yachts.

7 Aug., 1848, c. 141, s. 3, v. 9, p. 274.

Yachts belonging  
to foreign yacht-  
clubs.

29 June, 1870, c.  
120, s. 2, v. 16, p.  
170.

Commissions to  
yachts.

*Ibid.*, s. 3.

Entry of yachts.

*Ibid.*, s. 4, p. 171.

thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

SEC. 4217. For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

SEC. 4218. Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

## CHAPTER THREE.

### TONNAGE DUTIES.

Sec.

4219. Amount of tonnage duties.

4220. Exemption of coasting and fishing vessels.

4221. Exemption of vessels making daily trips on interior waters.

4222. Exemption of vessels touching at Canadian ports.

Sec.

4223. Tonnage duty to be paid only once in each year.

4224. Time of payment of tonnage duties.

4225. Light-money.

4226. Exemption of unregistered vessels owned by citizens.

4227. Rights under treaties preserved.

Amount of ton-  
nage duties.

20 July, 1790, c.

30, s. 1, v. 1, p. 135.

27 April, 1816, c.

107, s. 6, v. 3, p. 314.

14 Jan., 1817, c. 3,

s. 1, v. 3, p. 344.

1 March, 1817, c.

31, s. 6, v. 3, p. 352.

3 March, 1817, c.

50, v. 3, p. 369.

14 July, 1862, c.

163, s. 15, v. 12, p.

558.

3 March, 1865, c.

80, s. 4, v. 13, p. 493.

28 June, 1864, c.

170, v. 13, p. 201.

31 May, 1830, c.

219, s. 1, v. 4, p. 425.

Exemption of  
coasting and fish-  
ing vessels.

14 July, 1870, c.

255, s. 25, v. 16, p.

269.

Exemption of  
vessels making  
daily trips on in-  
terior waters.

3 March, 1869, c.

125, s. 3, v. 15, p. 322.

SEC. 4219. Upon vessels which shall be entered at any custom-house in the United States, from any foreign port or place, there shall be paid the respective duties following: On vessels of the United States, thirty cents a ton; on vessels built within the United States, but belonging wholly or in part to subjects of foreign powers, sixty cents per ton; on foreign vessels entered in the United States from any foreign port to and with which vessels of the United States are not ordinarily permitted to enter and trade, two dollars and thirty cents per ton; on other vessels, thirty cents per ton: *Provided*, That the President of the United States shall be satisfied that the discriminating or countervailing duties of any foreign nation to which such vessels belong, so far as they operate to the disadvantage of the United States, have been abolished; otherwise, eighty cents per ton: *And provided*, That nothing in this section shall impair any rights or privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels. [See §§ 2931, 2932, 4371.]

—U. S. vs. Hathaway, 3 Mas., 324.

SEC. 4220. No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. [See § 2793.]

SEC. 4221. In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

SEC. 4222. No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port. [See § 2793.]

Exemption of vessels touching at Canadian ports.

20 July, 1868, Res. No. 64, v. 15, p. 260.

SEC. 4223. The tonnage duty imposed on all vessels engaged in foreign commerce shall be levied but once within one year, and, when paid by such vessel, no further tonnage tax shall be collected within one year from the date of such payment. But this provision shall not extend to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States are not ordinarily permitted to enter and trade.

Tonnage duty to be paid only once in each year.

2 March, 1867, c. 169, s. 33, v. 14, p. 484.

14 July, 1870, c. 255, s. 25, v. 16, p. 269.

SEC. 4224. Vessels which pay tonnage duties once in a year shall pay the same either at their first clearance from or entry at, according to priority, a custom-house in the United States in each calendar year. Nothing in this section shall be construed to prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom-houses during the calendar year if the same has not previously been paid for such year.

Time of payment of tonnage duties.

18 July, 1866, c. 201, s. 28, v. 14, p. 184.

SEC. 4225. A duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

Light-money.

27 March, 1804, c. 57, s. 6, v. 2, p. 300.

U. S. vs. Hathaway, 3 Mas., 324.

SEC. 4226. The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

Exemption of unregistered vessels owned by citizens.

3 March, 1805, c. 40, v. 2, p. 339.

SEC. 4227. Nothing contained in this Title shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

Rights under treaties preserved.

14 July, 1862, c. 163, s. 15, v. 12, p. 558.

27 April, 1816, c. 107, s. 6, v. 3, p. 314. 14 Jan., 1817, c. 3, s. 1, v. 3, p. 344.

## CHAPTER FOUR.

### DISCRIMINATING DUTIES.

Sec.

4228. Suspension by the President.

4229. Vessels of Prussia.

4230. Termination of privileges.

Sec.

4231. Spanish vessels.

4232. Mail-steamships to Brazil.

SEC. 4228. Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of

Suspension by the President.

24 May, 1828, c. 111, s. 1, v. 4, p. 308.  
 31 May, 1830, c. 219, s. 2, v. 4, p. 425.  
 13 July, 1832, c. 207, s. 3, v. 4, p. 579.

Vessels of Prussia.

24 May, 1828, c. 111, s. 2, v. 4, p. 308.  
Termination of privileges.

Ibid., s. 4, p. 309.

Spanish vessels.

1 March, 1869, c. 54, v. 15, p. 282.

Mail-steamships to Brazil.

28 May, 1864, c. 98, s. 4, v. 13, p. 94.

tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

SEC. 4229. No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

SEC. 4230. The preceding section shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of Prussia and her dominions; and if at any time hereafter the equality shall not be reciprocated in the ports of Prussia and her dominions, the President may issue his proclamation, declaring that fact, and thereupon the section preceding shall cease to be in force.

SEC. 4231. From Spanish vessels coming from any port or place in Spain or her colonies, where no discriminating or countervailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States.

SEC. 4232. The mail steamships employed in the mail-service between the United States and Brazil shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

## CHAPTER FIVE.

### NAVIGATION.

Sec.

- 4233. Rules for preventing collisions.
- 4234. Forfeiture of sailing-vessels for omission of lights.
- 4235. State regulations of pilots.
- 4236. Pilots on boundaries between States.
- 4237. No discrimination in rates of pilotage.
- 4238. Vessels stranded on foreign coasts.
- 4239. Property wrecked on coast of Florida.
- 4240. Forfeitures for taking such property to foreign port.
- 4241. License to wreckers on Florida coast.
- 4242. Life-saving stations on coasts of Long Island, &c.
- 4243. Superintendents and keepers.

Sec.

- 4244. Crews of surfmen.
- 4245. Stations at light-houses.
- 4246. Care of boats.
- 4247. Keepers, &c., at stations on coasts of Cape Cod and Rhode Island.
- 4248. Supervision of stations on coast of Rhode Island.
- 4249. Stations on coasts of Maine, New Hampshire, Massachusetts, Virginia, &c.
- 4250. Removal of captain by owners of vessels.
- 4251. Canal-boats not to be libeled for wages.

Rules for preventing collisions.

29 April, 1864, c. 69, v. 13, p. 58.

SEC. 4233. The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:

## STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

The Hyppodame, 6 Wall., 216; The Carroll, 8 Wall., 302; The Fairbanks, 9 Wall., 420; The Corsica, 9 Wall., 630; The Scotia, 14 Wall., 170; The Continental, 14 Wall., 345; The Chesapeake, 5 Blatch., 411; The Huntsville, 8 Blatch., 228.

## LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise. Ibid., art. 2.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry— Ibid., art. 3, p. 59.  
28 Feb., 1871, c.  
100, s. 47, v. 16, p.  
454.

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three. 29 April, 1864, c.  
69, art. 4, v. 13, p.  
59.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six. Ibid., art. 3.  
28 Feb., 1871, c.  
100, s. 47, v. 16, p.  
454.

Rule six. River-steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides. Ibid.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regu- Ibid., p. 454.  
The Continental,  
14 Wall., 345.

lated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

29 April, 1864, c.  
69, v. 13, p. 59, art. 5.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

*Ibid.*, art. 6.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

*Ibid.*, art. 7.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

*Ibid.*, art. 8.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

28 Feb., 1871, c.  
100, s. 47, v. 16, p.  
454.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels.

29 April, 1864, c.  
69, art. 9, v. 13, p.  
60.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

29 April, 1864, c.  
69, s. 1, v. 13, p. 58.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

#### FOG-SIGNALS.

29 April, 1864, c.  
69, art. 10, v. 13, p.  
60.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used, as follows:

28 Feb., 1871, c.  
100, s. 47, v. 16, p.  
454.

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not more than five minutes.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river,

or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

#### STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

29 April, 1864, c. 69, art. 11, v. 13, p. 60.

The Nichols, 7 Wall., 656.  
Ibid., art. 12.

Rule seventeen. When two sail-vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 13.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Art. 14.  
The Corsica, 9 Wall., 630.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Art. 15.  
City of Paris, 9 Wall., 638.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

Art. 16, p. 61.  
City of Paris, 9 Wall., 638; The Syracuse, 9 Wall., 676.

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Ibid., art. 17.

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Art. 18.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Art. 19.

SEC. 4234. Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the nighttime, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section, shall be liable to a penalty of two hundred dollars, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel, in any district court of the United States having jurisdiction of the offense.

Forfeiture of sailing-vessels for omission of lights.

28 Feb., 1871, c. 100, s. 70, v. 16, p. 459.

SEC. 4235. Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

State regulation of pilots.

7 August, 1789, c. 9, s. 4, v. 1, p. 54.

den, 9 Wh., 207; Hobart vs. Drogan, 10 Pet., 121; License Cases, 5 How., 580; Cooley vs. Board of Wardens, 12 How., 299; *Ex parte McNiel*, 13 Wall., 236.

Gibbons vs. Ogden, 5 How., 580; Cooley vs. Board of Wardens, 12 How., 299; *Ex parte McNiel*, 13 Wall., 236.

SEC. 4236. The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

Pilots on boundaries between States.

2 March, 1837, c. 22, v. 5, p. 153.



No discrimination in rates of pilotage.

13 July, 1866, c. 177, v. 14, p. 93.

Vessels stranded on foreign coasts.

14 April, 1792, c. 24, s. 3, v. 1, p. 255.

Property wrecked on coast of Florida.

3 March, 1825, c. 107, s. 2, v. 4, p. 133.

Forfeitures for taking wrecked property to foreign ports.

3 March, 1825, c. 107, s. 1, v. 4, p. 132.

License to wreckers on Florida coast.

23 Feb., 1847, c. 20, s. 3, v. 9, p. 131.

Life-saving stations on coasts of Long Island, &c.

14 Dec., 1854, c. 1, s. 1, v. 10, p. 597.

Superintendents and keepers.

14 Dec., 1854, c. 1, s. 2, v. 10, p. 597.

20 April, 1871, c. 21, s. 27, v. 17, p. 12.

Crews of surfmen.

20 April, 1871, c. 21, s. 27, v. 17, p. 12.

Stations at light-houses.

14 Dec., 1854, c. 1, s. 4, v. 10, p. 597.

SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

SEC. 4238. Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

SEC. 4239. All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

SEC. 4240. Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

SEC. 4241. No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

SEC. 4242. The Secretary of the Treasury may establish such stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, and may make such changes in the location of the existing stations, and make such repairs and furnish such apparatus and supplies, as may, in his judgment, be best adapted to the preservation of life and property from such shipwrecked vessels.

SEC. 4243. The Secretary of the Treasury may appoint, at each of the stations established under the provisions of the preceding section, a keeper, at a compensation not exceeding two hundred dollars a year, and a superintendent, who shall also have the powers and perform the duties of an inspector of the customs for each of the coasts therein mentioned; and he shall give such keepers and superintendents proper instructions relative to the duties to be required of them.

SEC. 4244. The Secretary of the Treasury may also employ crews of experienced surfmen at such stations on the coasts of Long Island and New Jersey and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars a month for each person to be employed.

SEC. 4245. The Secretary of the Treasury may also establish such stations at such light-houses as, in his judgment, he shall deem best, and the keepers of such lights shall take charge of such boats and apparatus as may be put in their charge respectively, as a part of their official duties.

SEC. 4246. No boat shall be purchased and located, under the provisions of the four preceding sections, at any point other than on the coasts of Long Island and New Jersey, unless the same be placed in the immediate care of an officer of the Government, or unless bond shall be given by proper individuals, living in the neighborhood, conditioned for the care and preservation of the same, and its application to the uses intended.

SEC. 4247. The Secretary of the Treasury may appoint a keeper for each of the ten life-saving stations on the coasts of Cape Cod, Massachusetts, and Block Island, Rhode Island, whose compensation shall be at the rate of two hundred dollars per annum, and may employ crews of experienced surfmen at such stations and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person to be employed. [See § 223.]

SEC. 4248. The life-saving stations at Narragansett Pier, and Block Island, Rhode Island, shall be under the supervision of the superintendent of life-saving stations for the coast of Long Island.

SEC. 4249. The Secretary of the Treasury shall provide for the establishment of ten life-saving stations on the coasts of Maine, New Hampshire, and Massachusetts, Virginia, and North Carolina, at such points as he may deem necessary, for the saving of life and property on said coasts: *Provided*, That all life-saving stations hereafter erected, shall be erected under the supervision of two captains of the revenue service, to be designated by the Secretary of the Treasury, and to be under his direction.

SEC. 4250. Any person or body-corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the nineteenth day of April, eighteen hundred and seventy-two.

SEC. 4251. No canal-boat, without masts or steam-power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

Care of boats.

Ibid., s. 3.

Keepers, &c., at stations on coasts of Cape Cod and Rhode Island.

11 Jan., 1873, c. 34, v. 17, p. 410.

Supervision of stations on coast of Rhode Island.

Ibid.

Stations on coasts of Maine, N. H., Mass., Virginia, &c.

3 March, 1873, c. 307, s. 1, v. 17, p. 619.

Removal of captain by owners of vessels.

9 April, 1872, c. 90, v. 17, p. 51.

Canal-boats not to be libeled for wages.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

## CHAPTER SIX.

### TRANSPORTATION OF PASSENGERS AND MERCHANDISE.

Sec.

4252. Space for passengers in vessels arriving from foreign ports.

4253. Penalty for taking too many passengers.

4254. Lockers and hospitals.

4255. Berths.

4256. Houses on deck.

4257. Ventilators.

4258. Cooking-range.

4259. Penalty for neglect to comply with requirements.

4260. Provisions.

4261. Penalty for failure to provide provisions and water.

4262. Distribution of provisions.

4263. Discipline and health.

4264. Inspection of passenger-vessels.

4265. Vessels bound to or from the Pacific Ocean.

4266. Lists of passengers.

Sec.

4267. Copies to be returned to Secretary of State.

4268. Payment in case of death of passenger.

4269. Penalty for refusal to pay.

4270. Recovery of penalties.

4271. Vessels belonging to colonization societies.

4272. Examination of emigrant vessels by collector.

4273. Informers.

4274. Vessels carrying passengers without the United States.

4275. Penalty upon visiting part of vessel assigned to emigrants.

4276. Penalty for permitting officers or seamen to visit such part of vessel.

4277. Notice to be posted in emigrant vessels.

4278. Transportation of nitro-glycerine.

Sec.

4279. Packing and marking nitro-glycerine.  
 4280. Regulation by States of traffic in nitro-glycerine.  
 4281. Liability of masters, &c., as carriers.  
 4282. Loss by fire.  
 4283. Liability of owner not to exceed his interest.

Sec.

4284. General average of losses.  
 4285. Transfer of interest of owner to trustee.  
 4286. When charterer is deemed owner.  
 4287. Remedies reserved.  
 4288. Shipping inflammable materials.  
 4289. Exception to limitation of liability.

Space for passengers in vessels arriving from foreign ports.

3 March, 1855, c. 213, s. 1, v. 10, p. 715.

4 July, 1864, c. 249, s. 1, v. 13, p. 330.

SEC. 4252. No master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place other than foreign contiguous territory of the United States, passengers contrary to the provisions of this section, with intent to bring such passengers to the United States and leave such port or place and bring such passengers, or any number thereof, within the jurisdiction of the United States. The number of such passengers shall not be greater than in the proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. The spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods, not the personal baggage of such passengers, shall be in the following proportions: On the main and poop decks or platforms, and in the deck-houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between the decks or platforms shall not be less than six feet; and on the lower deck, not being an orlop deck, if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet. But on board two-deck ships, where the height between the decks is seven and one-half feet or more, fourteen clear superficial feet of deck shall be the proportion required for each passenger. The term "contiguous territory," as used in this section, shall not be held to extend to any port or place connecting with any interoceanic route through Mexico.

Penalty for taking too many passengers.

3 March, 1855, c. 213, s. 1, v. 10, p. 716.

U. S. vs. Brig Neurea, 19 How. 94.

SEC. 4253. Whenever the master of any such vessel takes on board of the same, at any foreign port or place, other than such contiguous territory, any greater number of passengers than in the proportion to the space or to the tonnage prescribed in the preceding section, with intent to bring such passengers to the United States, and leaves such port or place and brings such passengers within the jurisdiction of the United States, or takes on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion to the space or to the tonnage prescribed by the preceding section, with intent to carry the same to any foreign port or place other than such foreign contiguous territory, he shall be deemed guilty of a misdemeanor, and shall, for each passenger taken on board beyond such limit or space, be fined fifty dollars, and may also be imprisoned for not exceeding six months.

Lockers and hospitals.

3 March, 1855, c. 213, s. 1, v. 10, p. 716.

SEC. 4254. Should it be necessary for the safety or convenience of such vessel that any portion of her cargo, or any other article, should be placed on or stored in any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or inclosures prepared for the purpose, on an exterior surface impervious to the waves, capable of being cleansed in like manner as the decks or platforms of the vessel. But in no case shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom; and in all cases where such lockers or inclosed spaces are prepared or used, the upper surface thereof shall be deemed the deck or platform from which measurement

shall be made for all the purposes of this chapter. One hospital, in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers; but the same shall not occupy more than one hundred superficial feet of deck or platform.

SEC. 4255. No such vessel shall have more than two tiers of berths. The interval between the lowest part thereof and the deck or platform beneath shall not be less than nine inches; and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length, and at least two feet in width, and each such berth shall be occupied by no more than one passenger; but double berths of twice the above width may be constructed, each berth to be occupied by no more and by no other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men, members of the same family. For any violation of this section, the master of the vessel, and the owners thereof, shall severally be liable to a penalty of five dollars for each passenger on board of such vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

SEC. 4256. All vessels, whether of the United States, or any foreign country, having sufficient space, according to law, for fifty or more passengers, other than cabin passengers, shall, when employed in transporting such passengers between the United States and Europe, have, on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation. All vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder leading down to such apartments shall be furnished with a hand-rail of wood or strong rope; but booby-hatches may be substituted for such houses.

SEC. 4257. Every such vessel so employed in transporting passengers between the United States and Europe, and having space according to law for more than one hundred such passengers, shall have at least two ventilators to purify each apartment occupied by such passengers; one of which shall be inserted in the after part, and the other in the forward part of the apartment, and one of them shall have an exhausting-cap to carry off the foul air, and the other a receiving-cap to carry down the fresh air. Such ventilators shall have a capacity proportioned to the size of the apartments to be purified, namely: If the apartments will lawfully authorize the reception of two hundred such passengers, the capacity of each of such ventilators shall be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments. All such ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction. If it appears from the report to be made and approved, as provided in section forty-two hundred and seventy-two, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed to be a compliance with the provisions of this section.

SEC. 4258. Every vessel carrying more than fifty such passengers, and engaged in transporting them between the United States and Europe, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking-range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the same manner, in this ratio, for a greater or less number of passengers; but noth-

#### Berths.

3 March, 1855, c. 213, s. 2, v. 10, p. 716.

The Steamship Manhattan, 2 Ben., 88.

#### Houses on deck.

3 March, 1855, c. 213, s. 3, v. 10, p. 716.

#### Ventilators.

3 March, 1855, c. 213, s. 4, v. 10, p. 717.

#### Cooking-range.

Ibid., s. 5.

**Penalty for neglecting to comply with requirements.**

3 March, 1855, c. 213, s. 8, v. 10, p. 718.

ing in this section shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4259. The master and owner of any such vessel so employed, which shall not be provided with the house or houses over the passageways, or with the ventilators, or with the cambooses or cooking-ranges with the houses over them, required by this Title, shall severally be liable to a penalty of two hundred dollars for each and every violation of, or neglect to conform to, each of these requirements, to be recovered by suit in any circuit or district court of the United States within the jurisdiction of which such vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or master of such vessel may be found.

**Provisions.**

3 March, 1855, c. 213, s. 6, v. 10, p. 717.

SEC. 4260. All vessels so employed in transporting passengers between the United States and Europe shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oatmeal, ten pounds of wheat-flour, fifteen pounds of pease and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, and ten pounds of salt beef, free of bone, all to be of good quality. At places where either rice, oatmeal, wheat-flour, or pease and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of such articles may be substituted in lieu of five pounds of potatoes. The masters of such vessels shall deliver to each passenger at least one-tenth part of such provisions weekly, commencing on the day of sailing, and at least three quarts of water daily.

**Penalty for failure to provide provisions and water.**

3 March, 1855, c. 213, s. 6, v. 10, p. 718.

SEC. 4261. If the passengers on board of any such vessel in which the provisions and water shall not have been provided as required by the preceding section, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each passenger put on short allowance, the sum of three dollars for each and every day such passenger may have been put on short allowance, to be recovered in the circuit or district court of the United States.

**Distribution of provisions.**

3 March, 1855, c. 213, s. 6, v. 10, p. 717.

SEC. 4262. It shall be the duty of the master of every vessel employed in transporting passengers between the United States and Europe, to cause the food and provisions of all the passengers to be well and properly cooked, daily, and to be served out and distributed to them at regular and stated hours, by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours and manner of distribution due and sufficient notice shall be given. Every master of any such vessel who willfully fails to furnish and distribute provisions in the quantity and cooked in the manner required by this Title shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned for a term not exceeding one year. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners to such passengers as may have suffered from such default.

**Discipline and health.**

3 March, 1855, c. 213, s. 7, v. 10, p. 718.

SEC. 4263. The master of any vessel employed in transporting passengers between the United States and Europe is authorized to maintain good discipline and such habits of cleanliness among passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks and all parts of the apartments so that they can be thoroughly cleansed; and

also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers cannot be mustered on deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section, the master and owner of any such vessel shall be severally liable to the United States in a penalty of fifty dollars, to be recovered in any circuit or district court within the jurisdiction of which such vessel may arrive, or from which she is about to depart, or at any place where the owner or master may be found.

SEC. 4264. The collector of the customs, at any port at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report in writing to him whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed prima-facie evidence thereof. [See § 4272.]

SEC. 4265. Vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic, or its tributaries, including vessels whose passengers, or any part of them, shall be bound from or to any of those ports or places, by way of any overland route through Mexico or Central America, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant-vessels, except so much as relates to food and water; but the owners and masters of such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable food, such masters or owners shall be liable to pay to each passenger the sum of three dollars for each day on which such failure or wrongful act is committed, to be recovered in the circuit or district court of the United States.

SEC. 4266. The master of any vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the vessel, pursuant to law, shall also deliver and report to the collector of the district in which such vessel shall arrive a list of all the passengers taken on board of the vessel at any foreign port or place; in which list he shall designate particularly the age, sex, and occupation of the passengers respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any and what number have died on the voyage; such list shall be sworn to by the master, in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect of the master to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo. [See §§ 2774, 2807-2815.]

SEC. 4267. Every collector of the customs to whom such lists of passengers shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State.

SEC. 4268. In case there shall have occurred on board any vessel arriving at any port or place within the United States or its Territories, any death among the passengers, other than cabin passengers, the master, or owner, or consignee of such vessel, shall, within twenty-four

Inspection of passenger vessels.

3 March, 1855, c. 213, s. 9, v. 10, p. 718.

Vessels bound to or from the Pacific Ocean.

3 March, 1855, c. 213, s. 11, v. 10, p. 719.

4 July, 1864, c. 249, s. 2, v. 13, p. 390.

Lists of passengers.

3 March, 1855, c. 213, s. 12, v. 10, p. 719.

Copies to be returned to Secretary of State.

Ibid., s. 13.

Payment in case of death of passenger.

3 March, 1855, c. 213, s. 14, v. 10, p. 719.

hours after the time within which the report and list of passengers is required to be delivered to the collector of the customs, pay to the collector the sum of ten dollars for each and every passenger above the age of eight years, who shall have died on the voyage by natural disease. The collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal; but such payment shall in no case be awarded or made to any board, or commission, or association, formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed.

Penalty for refusal to pay.

3 March, 1855, c. 213, s. 14, v. 10, p. 720.

SEC. 4269. Every master, owner, or consignee of any vessel, who refuses or neglects to pay to the collector any sum of money required, within the time prescribed by the preceding section, shall be liable to a penalty of fifty dollars, in addition to such sum of ten dollars, for each passenger upon whose death the same has become payable, to be recovered by the United States in any circuit or district court of the United States where such vessel may arrive, or such master, owner, or consignee may reside; and the money shall be disposed of in the same manner as is directed with respect to the sums required to be paid to the collector of customs.

Recovery of penalties.

*Ibid.*, s. 15.

SEC. 4270. The amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant-vessels shall be liens on the vessel violating those provisions, and such vessel shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive. [See § 629.]

Vessels belonging to colonization societies.

*Ibid.*, s. 16.

SEC. 4271. Any vessel which may be employed by the American Colonization Society, or the colonization society of any State, to transport, and which shall actually transport, from any port of the United States to any colony on the west coast of Africa, colored emigrants, to reside there, shall be subject to the operation of the foregoing provisions regulating the carriage of passengers in merchant-vessels.

Examination of emigrant-vessels by collector.

*Ibid.*, s. 17.

SEC. 4272. The collector of the customs shall examine each emigrant-vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits, are supposed to have had any, and what, agency in causing the exemption.

Informers.

4 July, 1864, c. 249, s. 9, v. 13, p. 392.

SEC. 4273. Informers shall be entitled to one-half of any penalty or fine collected under the provisions relating to the transportation of passengers in vessels to or from any foreign port or place other than foreign contiguous country, upon their information.

Vessels carrying passengers without the United States.

19 Feb., 1862, c. 27, s. 5, v. 12, p. 341.

SEC. 4274. The provisions of this Title relating to the transportation of passengers between the United States and any port other than foreign contiguous territory, except such as relate to lists or manifests of passengers, shall apply to all vessels owned, in whole or in part, by citizens of the United States, and registered, enrolled, or licensed within the United States, and to all masters thereof carrying passengers or intending to carry passengers from any foreign port without the United States to any other foreign port without the United States, and all the penalties and forfeitures provided for in such provisions shall apply to such vessels and masters.

SEC. 4275. Neither the officers, seamen, nor other persons employed on board of any vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such vessel assigned to emigrant passengers, except by the direction or permission of the master of such vessel first made or given for such purpose. Every officer, seaman, or other person employed on board of such vessel, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit to the vessel his wages for the voyage of the vessel during which the offense has been committed. [See §§ 5349-5351.]

Penalty upon visiting part of vessel assigned to emigrants.

24 March, 1860, c. 8, s. 2, v. 12, p. 3.

SEC. 4276. Every master who directs or permits any officer or seaman or other person employed on board of any vessel to visit or frequent any part of such vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of fifty dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman, or other person employed on board of such vessel.

Penalty for permitting officers or seamen to visit such part of vessel.

24 March, 1860, c. 8, s. 2, v. 12, p. 3.

SEC. 4277. The master of every vessel bringing emigrant passengers to the United States shall post a written or printed notice in the English, French, and German languages containing the provisions of the two preceding sections in a conspicuous place on the fore-castle, and in the several parts of the vessel assigned to emigrant passengers, and keep the same so posted during the voyage; and if he neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars.

Notice to be posted in emigrant-vessels.

24 March, 1860, c. 8, s. 3, v. 12, p. 4.

SEC. 4278. It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitro-glycerine, or glynoil oil, nitro-leum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof. [See §§ 5353-5355.]

Transportation of nitro-glycerine

3 July, 1866, c. 162, s. 1, v. 14, p. 81.

SEC. 4279. It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitro-glycerine, dangerous."

Packing and marking nitro-glycerine.

3 July, 1866, c. 162, s. 3, v. 14, p. 82.

[See § 5355.]

SEC. 4280. The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

Regulation by States of traffic in nitro-glycerine.

Ibid., s. 5.

SEC. 4281. If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or time-pieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufac-

Liability of masters, &c., as carriers.

28 Feb., 1871, c. 100, s. 69, v. 16, p. 458.



tured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

Loss by fire.

3 March, 1851, c. 43, s. 1, v. 9, p. 635.

*Walkers. Transportation Co.*, 3 Wall., 150.

Liability of owner not to exceed his interest.

*Ibid.*, s. 3.

*Norwich Co. vs. Wright*, 13 Wall., 104; *Allen vs. MacKay*, 1 Sprague, 219.

General average of losses.

3 March, 1851, c. 43, s. 4, v. 9, p. 635.

*Norwich Co. vs. Wright*, 13 Wall., 104; *The Steamboat City of Norwich*, 1 Ben., 89.

Transfer of interest of owner to trustee.

*Ibid.*

*Norwich Co. vs. Wright*, 13 Wall., 104.

When charterer is deemed owner.

*Ibid.*, s. 5, p. 636.

*Thorp vs. Hammond*, 12 Wall., 408.

Remedies reserved.

*Ibid.*, s. 6.

Shipping inflammable materials.

*Ibid.*, s. 7.

SEC. 4282. No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

SEC. 4283. The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

SEC. 4284. Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel, in proportion to their respective losses; and for that purpose the freighters and owner of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

SEC. 4285. It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Title relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease.

SEC. 4286. The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

SEC. 4287. Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

SEC. 4288. Any person shipping oil of vitriol, unslaked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be

liable to the United States in a penalty of one thousand dollars. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation.

SEC. 4289. The provisions of this Title relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation.

Exception to  
limitation of liabil-  
ity.

Ibid.

Propeller Niagara vs. Cordes, 21 How., 26; Moore vs. Transportation Co. 24 How., 1.

## CHAPTER SEVEN.

### LOG-BOOKS.

Sec.

4290. Entries in log-book.

4291. Mode of making entries.

Sec.

4292. Penalty for omitting entries.

SEC. 4290. Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

Entries in log-  
book.

7 June, 1872, c.  
322, s. 58, v. 17, p.  
275.

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and thirty.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it. [See § 4596.]

SEC. 4291. Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence hap-

Mode of making  
entries.

7 June, 1872, c.  
322, s. 59, v. 17, p.  
276.

**Penalty for  
omitting entries.**

7 June, 1872, c.  
322, s. 60, v. 17, p.  
276.

pening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival. [See § 4597.]

SEC. 4292. If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

## CHAPTER EIGHT.

### REGULATIONS FOR THE SUPPRESSION OF PIRACY.

**Sec.**

4293. Public vessels to suppress piracy.  
4294. Seizure of piratical vessels.  
4295. Merchant-vessels may resist pirates.  
4296. Condemnation of piratical vessels.  
4297. Seizure of vessels fitted out for piracy.

**Sec.**

4298. What vessels may be authorized to seize pirates.  
4299. Duty of officers of customs and marshals.

**Public vessels to  
suppress piracy.**

3 March, 1819, c.  
77, s. 1, v. 3, p. 510.  
30 Jan., 1823, c.  
7, v. 3, p. 721.

**Seizure of piratical  
vessels.**

3 March, 1819, c.  
77, s. 2, v. 3, p. 512.  
30 Jan., 1823, c.  
7, v. 3, p. 721.

The *Mariana* n a  
Flora, 11 Wh., 1;  
The *Palmyra*, 12  
Wh., 1.

**Merchant-vessels  
may resist pirates.**

3 March, 1819, c.  
77, s. 3, v. 3, p. 513.  
30 Jan., 1823, c.  
7, v. 3, p. 721.

U. S. *vs.* Brig Ma-  
lek Adhel, 2 How.,  
210.

**Condemnation  
of piratical vessels.**

3 March, 1819, c.  
77, s. 4, v. 3, p. 513.  
30 Jan., 1823, c.  
7, v. 3, p. 721.  
5 Aug., 1861, c.  
48, s. 1, v. 12, p. 314.

The *Mariana* n a  
Flora, 11 Wh., 1;  
The *Palmyra*, 12  
Wh., 1; U. S. *vs.*  
Brig Malek Adhel,  
2 How., 210.

SEC. 4293. The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant-vessels of the United States and their crews from piratical aggressions and depredations.

SEC. 4294. The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat the, crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

SEC. 4295. The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

SEC. 4296. Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

SEC. 4297. Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

Seizure of vessels fitted out for piracy.

5 Aug., 1861, c. 48, s. 1, v. 12, p. 314.

SEC. 4298. The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

What vessels may be authorized to seize pirates.

5 Aug., 1861, c. 48, s. 2, v. 12, p. 315.

SEC. 4299. The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

Duties of officers of customs and marshals.

Ibid., s. 3.

## CHAPTER NINE.

### SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS.

Sec.

4300. When summary trials may be had.

4301. Complaint and answer.

4302. Amendments and adjournments.

4303. Challenges to jurors.

Sec.

4304. Limit of sentences.

4305. Recovery of penalties and forfeitures under navigation laws.

SEC. 4300. Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term-time or vacation. [See § 563.]

When summary trials may be had.

11 June, 1864, c. 121, s. 2, v. 13, p. 124.

SEC. 4301. At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded

Complaint and answer.

Ibid., ss. 3, 4, p. 125.

with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

Amendments  
and adjournments.

11 June, 1864, c.  
121, s. 6, v. 13, p.  
125.

SEC. 4302. It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

Challenges to  
jurors.

Ibid., s. 7.

SEC. 4303. At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers. [See § 819.]

Limit of sen-  
tences.

Ibid., s. 5.

SEC. 4304. It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

Recovery of pen-  
alties and forfeit-  
ures under naviga-  
tion laws.

31 Dec., 1792, c.  
1, s. 29, v. 1, p. 298.

SEC. 4305. All the penalties and forfeitures which may be incurred for offenses against this Title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.