

## TITLE L.

## REGULATION OF VESSELS IN DOMESTIC COMMERCE.

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SEC. 4311. Vessels of twenty tons and upward, enrolled in pursuance of this Title, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States

What are deemed vessels of the United States.

18 Feb., 1793, c. 8, s. 1, v. 1, p. 305.

18 April, 1874, c. 110, r. 18, p. 31. entitled to the privileges of vessels employed in the coasting-trade or fisheries. [See § 4220.]

*Gibbons v. Ogden*, 9 Wh., 1; *Wilson v. The Blackbird Creek Marsh Company*, 2 Pet., 245; *License Cases*, 5 How., 583, 4, 5; *Pennsylvania v. Wheeling Bridge Company*, 13 How., 385, 6; *Sinot v. Davenport*, 22 How., 227; *Foster v. Davenport*, 22 How., 244.

What vessels may be enrolled. SEC. 4312. In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels. [See §§ 4181-4196.]

18 Feb., 1793, c. 8, p. 2, v. 1, p. 305.

The *Mohawk*, 5 Wall., 566; *The Acorn*, 2 Abb. U. S., 434; *Schooner Two Friends*, 1 Gallis., 118; *U. S. v. Steamboat Forrester*, Newb., 81.

Enrollment of vessels owned by corporations. SEC. 4313. Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

Oath of president, &c., of corporation. SEC. 4314. Previously to granting enrollment and license for any vessel, owned by any company, the president or secretary of such company shall swear to the ownership of such vessel, by such company, without designating the names of the persons composing such company; which oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Death, &c., of president of corporation. SEC. 4315. Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any [steamboat or] vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

*Ibid.*, s. 4.  
27 Feb., 1877, c. 69, r. 19, p. 251.

Enrollment of steamboats owned by aliens. SEC. 4316. Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this Title, except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States.

Bond by alien owner. SEC. 4317. Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

Enrollment of vessels on frontiers. SEC. 4318. Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of [register] [registry] shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

Form of enrollment of vessels. SEC. 4319. The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following [form]: Enrollment. In conformity to Title L, "REGULATION OF VESSELS IN DOMESTIC COMMERCE," of the Revised Statutes of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) 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) a citizen (or citizens) of the United States, and sole

18 Feb., 1793, c. 8, s. 2, v. 1, p. 305.

29 July, 1850, c. 27, s. 5, v. 9, p. 441.

27 Feb., 1877, c. 69, v. 119, p. 251.

*Fox v. The Lode-mia*, Crabbé, 271.

owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of 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 ship or 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 and measured), having certified that the said ship or 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 (inserting 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 shall have been countersigned, having agreed to the description and measurement above specified, and sufficient security having been given, according to the said [*act*] [title,] the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). 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. 4320. In order to the licensing of any vessel for carrying on the coasting-trade or fisheries, the husband or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty tons, the sum of one hundred dollars; and if twenty tons and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded, during the time the license granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong, [*the duty of six cents per ton being first paid,*] to grant a license.

SEC. 4321. The form of a license for carrying on the coasting-trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be).

"In pursuance of Title L, 'REGULATION OF VESSELS IN DOMESTIC COMMERCE,' of the Revised Statutes of the United States, (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having given bond that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not

License of vessels.

18 Feb., 1793, c. 8, s. 4, v. 1, p. 306.  
27 Feb., 1877, c. 69, v. 19, p. 251.

U. S. v. Steamer Planter, Newb., 262.

Form of license.

18 Feb., 1793, c. 8, s. 4, v. 1, p. 307.  
24 May, 1828, c. 119, v. 4, p. 312.

U. S. v. Schooner Paryntha Davis, 1 Cliff., 532; The Schooner Nymph, 1 Sumn., 516; U. S. v. Steamer Planter, Newb., 262.

be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length").

Exchange of enrollment and registry.

18 Feb., 1793, c. 8, s. 3, v. 1, p. 306.

U. S. v. Rogers, 3 Sumn., 342.

Exchange when vessel is in another district.

Ibid.

The Vincennes, Ware, 171.

SEC. 4322. The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up.

SEC. 4323. When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars.

Expiration of license.

Ibid., s. 5.

Surrender of license.

Ibid., s. 9, p. 308.

SEC. 4324. No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

SEC. 4325. The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

Loss of license.

Ibid.

SEC. 4326. If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

Renewal of license.

18 Feb., 1793, c. 8, s. 10, v. 1, p. 309.

18 July, 1866, c. 211, s. 43, v. 14, p. 188.

SEC. 4327. The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

SEC. 4328. Whenever it becomes necessary for the owner of any vessel of the United States navigating the western rivers or the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is, as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon, on the owner giving bond as required in other cases, duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

Renewal when vessel is in another district.

28 Feb., 1865, c. 69, v. 13, p. 444.  
17 April, 1874, c. 106, v. 18, p. 30.

SEC. 4329. 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 certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

Renewal upon sale of vessel.

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

SEC. 4330. No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. [See §§ 3114, 3115.]

Oath as to payment for repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

SEC. 4331. Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license. [See §§ 4148-4155.]

Measurement of vessels less than twenty tons.

18 Feb., 1793, c. 8, s. 26, v. 1, p. 315.  
6 May, 1864, c. 83, s. 1, v. 13, p. 69.

SEC. 4332. In every case where the collector is by this Title directed to grant any enrollment, license, certificate, permit, or other document, the naval officer residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in this Title, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

Signatures to enrollment, license, &c.

18 Feb., 1793, c. 8, s. 25, v. 1, p. 315.

SEC. 4333. The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is

Record of licenses.

Ibid., s. 7, p. 308.

afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name.

Name and port  
to be painted on  
stern of vessel

Ibid., s. 11, p. 309.

Change of mas-  
ter.

Ibid., s. 12.

SEC. 4334. Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of twenty dollars. [See § 4178.]

SEC. 4335. Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

Inspection.

Ibid., s. 13.

SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of one hundred dollars.

Penalty for un-  
lawfully proceed-  
ing upon foreign  
voyage.

Ibid., s. 8, p. 308.

SEC. 4337. If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

The Sloop Active,  
7 Cr., 100; *Taber*  
*v. U. S.*, 1 Story, 1;  
*U. S. v. Schooner Hawk*, Bee, 34; *Sloop Julia*, 1 Gallis., 43; *Friend-*  
*ship and Cargo*, 1 Gallis., 45; *Lark and Cargo*, 1 Gallis., 55; *Three Brothers*, 1 Gallis., 142.

Certificate for  
vessel proceeding  
upon foreign voy-  
age.

Ibid.

SEC. 4338. If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

Papers for ves-  
sels in whale-fish-  
ery.

4 April, 1840, c.  
6, s. 1, v. 5, p. 370.

SEC. 4339. All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

Enrollments at  
Jersey City.

25 Feb., 1865, c.  
55, v. 13, p. 438.

SEC. 4340. The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey.

Enrollments at  
Camden.

28 Feb., 1867, c.  
103, s. 2, v. 14, p.  
417.

SEC. 4341. The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey.

Enrollments at  
Wilmington, N. C.

3 Mar., 1849, c.  
122, s. 7, v. 9, p. 410.

SEC. 4342. The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law.

SEC. 4343. The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels.

Enrollments at Chesapeake City, Md.

3 Mar., 1849, c. 127, s. 2, v. 9, p. 414.

SEC. 4344. The Secretary of the Treasury may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting-trade and fisheries, in like manner as collectors of ports of entry are authorized to do.

Surveyors may be authorized to enroll vessels.

11 Feb., 1830, c. 14, s. 1, v. 4, p. 372.

SEC. 4345. The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary.

Surveyors at Cold Spring, Greenport, and Port Jefferson.

26 Jan., 1848, c. 5, v. 9, p. 209.

31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

SEC. 4346. Any surveyor who shall perform the duties directed to be performed by the two preceding sections shall be entitled to receive the same commissions and fees as are allowed by law to collectors, for performing the same duties.

Fees of surveyor for enrollment.

11 Feb., 1830, c. 14, s. 2, v. 4, p. 373.

SEC. 4347. No merchandise shall be [*imported*] [transported] under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States: *Provided, however*, That from the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five, inclusive, and article thirty of said treaty; and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *And provided further*, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in article twenty-seventh of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the sixteenth day of June, eighteen hundred and seventy-two, [*no*] [on] lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

Transportation of merchandise in foreign vessels.

1 Mar., 1817, c. 31, s. 4, v. 3, p. 251.

3 Mar., 1873, c. 213, s. 4, v. 17, p. 483.

18 Feb., 1875, c. 80, v. 18, p. 320.

27 Feb., 1877, c. 69, v. 19, p. 251.

SEC. 4348. The sea-coast and navigable rivers of the United States shall be divided into three great districts: the first to include all the collection-districts on the sea-coast and navigable rivers, between the

Establishment of great districts.

2 Mar., 1819, c. 48, s. 1, v. 3, p. 492.  
7 May, 1822, c. 62, s. 11, v. 3, p. 685.

Manifests and permits for vessels trading between neighboring districts.

18 Feb., 1793, c. 8, s. 14, v. 1, p. 309.  
2 Mar., 1819, c. 48, s. 2, v. 3, p. 493.

eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido.

SEC. 4349. The master of every vessel under twenty tons burden licensed for carrying on the coasting-trade, destined from a district in one State to a district in the same or an adjoining State, on the sea-coast or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States that the duties thereupon have been paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination. [See § 3977.]

12 July, 1876, c. 185, v. 19, p. 90.

[AN ACT to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances.

Exemptions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of sections forty-three hundred and forty-nine, forty-three hundred and fifty, forty-three hundred and fifty-one, forty-three hundred and fifty-two, forty-three hundred and fifty-three, forty-three hundred and fifty-four, forty-three hundred and fifty-five, and forty-three hundred and fifty-six of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting-trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs' officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unloading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.]

Penalty for proceeding without manifests and permit.

18 Feb., 1793, c. 8, s. 14, v. 1, p. 310.  
12 July, 1876, c. 185, v. 19, p. 90.

SEC. 4350. If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of one hundred dollars.

Delivery of manifest before unloading.

SEC. 4351. The master of every vessel licensed for carrying on the coasting-trade, having on board either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty



gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea-coast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unloading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifests thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unloading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

SEC. 4352. If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of one hundred dollars.

3, s. 15, v. 1, p. 310. 12 July, 1876,

SEC. 4353. The master of every vessel under twenty tons of burden licensed for carrying on the coasting-trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea-stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits, or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United States,

18 Feb., 1793, c.  
8, s. 15, v. 1, p. 310.  
2 Mar., 1819, c.  
48, v. 3, p. 492.  
12 July, 1876, c.  
185, v. 19, p. 90.

Schooner *America*, 1 Gallis., 231.

Penalty for not delivering up manifest.

18 Feb., 1793, c.  
c. 185, v. 19, p. 90.

Manifests and permits for vessels trading between remote districts.

18 Feb., 1793, c.  
3, s. 16, v. 1, p. 311.  
12 July, 1876, c.  
185, v. 19, p. 90.

U. S. v. Carr, 8 How., 1.

that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

Penalty for proceeding without manifest and permit.

18 Feb., 1793, c. 3, s. 16, v. 1, p. 311.  
12 July, 1876, c. 185, r. 19, p. 90.

Delivery of manifest before unloading.

18 Feb., 1793, c. 8, s. 17, v. 1, p. 311.  
2 Mar., 1819, c. 48, v. 3, pp. 492, 493.  
12 July, 1876, c. 185, r. 19, p. 90.

Penalty for not delivering up manifest.

18 Feb., 1793, c. 3, s. 17, v. 1, p. 311.  
12 July, 1876, c. 185, r. 19, p. 90.

Trade between Long Island and Rhode Island.

2 Mar., 1795, c. 41, v. 1, p. 426.

Trade between Alaska and other districts.

27 July, 1868, c. 273, s. 5, v. 15, p. 241.

SEC. 4354. If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of one hundred dollars; or if, the lading be of goods the growth or manufacture of the United States only, or if such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of fifty dollars.

SEC. 4355. The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unloading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea-stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unloading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination.

SEC. 4356. If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of one hundred dollars, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

SEC. 4357. Coasting-vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

SEC. 4358. The coasting trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. [See §§ 1964-1968.]

SEC. 4359. Nothing in this Title shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the sea-coast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

SEC. 4360. Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, [and] does not exhibit the same, as required in the preceding section, if the lading of such vessel consist wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of twenty dollars, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall be liable to a penalty of forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of one hundred dollars. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

SEC. 4361. Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting-trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law.

SEC. 4362. The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits

Exemption from requirements as to manifests and permits.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312.  
2 Mar., 1819, c. 48, v. 3, p. 492.

Penalties for not exhibiting manifest, &c.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312.  
18 Feb., 1875, c. 80, v. 18, p. 320.

Registered vessels.

18 Feb., 1793, c. 8, s. 20, v. 1, p. 313.

Permits for transportation inland.

Ibid., s. 19, p. 313.

for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than eight hundred dollars, the permit shall not be deemed necessary.

Penalty for failure to report arrival of merchandise transported inland.

Ibid.

Priestman v. U. S., 4 Dall., 28.

SEC. 4363. The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of fifty dollars for every twenty-four hours it shall be withheld afterward.

Permit to touch at foreign port.

Ibid., s. 21, p. 313.

SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

Penalty for touching at foreign port without permission.

Ibid.

Report of arrival at port other than that of destination.

Ibid., s. 22, p. 314.

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

SEC. 4366. The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

Foreign vessels bound coastwise.

Ibid., s. 24.

SEC. 4367. The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

Delivery of manifest by foreign vessel.

Ibid.

SEC. 4368. The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the

place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

SEC. 4369. Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

Penalty against foreign vessels trading coastwise.

Ibid.

SEC. 4370. All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

Penalty upon foreign tug-boats towing vessels between United States ports.

18 July, 1866, c. 201, s. 21, v. 14, p. 183.

23 Feb., 1867, c. 78, v. 14, p. 410.

SEC. 4371. Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this Title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

Penalty for trading without license

18 Feb., 1793, c. 8, s. 6, v. 1, p. 307.

SEC. 4372. If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required. [See § 4219.]

Expiration of license at sea.

18 Feb., 1793, c. 8, s. 6, v. 1, p. 308.

SEC. 4373. Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title, or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

Penalty for illegal enrollment or license.

18 Feb., 1793, c. 8, s. 29, v. 1, p. 315.

SEC. 4374. Every person, authorized and required by this Title to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of five hundred dollars for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

Penalty for malfeasance.

18 Feb., 1793, c. 8, s. 29, v. 1, p. 315.

SEC. 4375. Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of five hundred dollars. [See § 5423.]

Penalty for forgery and alteration.

18 Feb., 1793, c. 8, s. 30, v. 1, p. 316.

Penalty for obstructing officers.

18 Feb., 1793, c. 8, s. 31, v. 1, p. 316.

Penalty for violation of license.

18 Feb., 1793, c. 8, s. 32, v. 1, p. 316.  
2 April, 1836, c. 55, v. 5, p. 16.

*Sloop Active v. U. S.*, 7 Cr., 100;  
*U. S. v. Schooner Hawk, Bee*, 34;

*Schooner Two Friends*, 1 Gallis., 118; *The Sloop Julia*, 1 Gallis., 233; *U. S. v. Schooner Mars*, 1 Gallis., 237; *The Boat Eliza and Cargo*, 2 Gallis., 4; *U. S. v. Schooner Parynthia Davis*, 1 Cliff., 532; *The Schooner Nymph*, 1 Sumn., 516.

Exception to forfeiture.

18 Feb., 1793, c. 8, s. 33, v. 1, p. 316.

*The Sloop Active*, 7 Cr., 100; *Schooner Two Friends*, 1 Gallis., 118.

Notice of seizure.

18 Feb., 1793, c. 8, s. 28, v. 1, p. 315.

Recovery of forfeitures and penalties.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

*Keene v. U. S.*, 5 Cr., 304.

Fees.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316.

1 July, 1870, c. 185, s. 7, v. 16, p. 177.

27 Feb., 1877, c. 69, v. 19, p. 251.

SEC. 4376. Every person who assaults, resists, obstructs, or hinders any officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or of this Title, or of any of the powers or authorities vested in him by any such act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of five hundred dollars.

SEC. 4377. Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel-fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.

SEC. 4378. Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title.

SEC. 4379. In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

SEC. 4380. All penalties and forfeitures which shall be incurred by virtue of this Title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed. [See §§ 3086-3090.]

SEC. 4381. The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea:

First. For measuring every vessel, in order to the enrollment or licensing and recording the same, the fees prescribed for like services in order to the registry of vessels.

Second. For every certificate of enrollment, fifty cents.

Third. For every indorsement on a certificate of enrollment, twenty cents.

Fourth. For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty and not more than one hundred tons, fifty cents; and if more than one hundred tons, one dollar.

Fifth. For every indorsement on a license, twenty cents.

Sixth. For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty five cents [.] if less than fifty tons [;] and if above fifty tons, fifty cents.

Seventh. For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

Eighth. For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one dollar and fifty cents.

Ninth. For receiving a certified manifest, and granting a permit on the arrival of such registered vessel, one dollar.

Tenth. For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two dollars.

Eleventh. For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, two dollars.

Twelfth. For granting a permit for a vessel carrying on the fishery to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

[Where a surveyor certifies a manifest, or grants a permit, or receives a certified manifest and grants a permit, the fees arising therefrom shall be received by him solely for his use; and all other fees arising by virtue of this section shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided monthly between the said officers; and where there is no naval officer, two-thirds to the collector and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportional part of such fees as shall arise at the port for which he is appointed; and in all cases where the tonnage of any ship or vessel shall be ascertained by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor out of the fees aforesaid, before any distribution thereof as aforesaid.]

SEC. 4382. The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea:

First. For the measurement of any vessel, the fees prescribed in Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION."

Second. For certificate of enrollment, including bond and oath, one dollar and ten cents.

Third. For granting license, including bond and oath, if not over twenty tons, forty-five cents.

Fourth. For granting license, including bond and oath, above twenty and not over one hundred tons, seventy cents.

Fifth. For granting license, including bond and oath, above one hundred tons, one dollar and twenty cents.

Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, under fifty tons, twenty-five cents.

Seventh. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, over fifty tons, fifty cents.

Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, under fifty tons, twenty-five cents.

Ninth. For receiving manifest, including master's oath, on arrival of a vessel from one collection-district to another, whether touching at foreign intermediate ports or not, over fifty tons, fifty cents.

Tenth. For certifying a manifest, including master's oath, and granting permit to a vessel under fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, twenty-five cents.

Eleventh. For certifying a manifest, including master's oath, and granting permit to a vessel above fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, fifty cents:

Twelfth. For the entry of a vessel direct from a foreign port, fifty cents.

Thirteenth. For the clearance of a vessel direct to a foreign port, fifty cents.

Fourteenth. Vessels departing to or arriving from a port in one district to or from a port in an adjoining district, and touching at intermediate foreign ports, are exempted from the payment of the entry fees.

27 Feb., 1877, c. 66, v. 19, p. 251.

Fees on frontiers.

1 July, 1870, c. 185, s. 7, v. 16, p. 178.

10 Feb., 1871, Res. 27, s. 2, v. 16, p. 595.

Fifteenth. For a port entry of such vessel, two dollars.

Sixteenth. For permit to land or deliver goods, twenty cents.

Seventeenth. For a bond taken officially, not otherwise provided for, fifty cents.

Eighteenth. For permit to load goods for exportation entitled to drawback, thirty cents.

Nineteenth. For debenture or other official certificate not otherwise provided for, twenty cents.

Twentieth. For recording all bills of sale, mortgages, hypothecations, or conveyances of vessels, fifty cents.

Twenty-first. For recording all certificates for discharging and canceling any such conveyances, fifty cents.

Twenty-second. For furnishing a certificate setting forth the names of the owners of any registered or enrolled vessel, the parts or proportions owned by each, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance; the date, amount of such incumbrance, and from and to whom made, one dollar.

Twenty-third. For furnishing copies of such records for each bill of sale, mortgage, or other conveyance, fifty cents.

Twenty-fourth. For receiving manifest of each railroad-car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, twenty-five cents.

Twenty-fifth. For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, fifty cents.

Twenty-sixth. For certificate of registry, including bond and oath, two dollars and twenty-five cents.

Twenty-seventh. For indorsement of change of masters on registry, one dollar.

Posting table of fees.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316.

Vessels liable for fees on enrollment.

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

Lighters and boats.

18 Feb., 1793, c. 8, s. 37, v. 1, p. 317.

Transportation of animals.

3 Mar., 1873, c. 252, s. 1, v. 17, p. 584.

Animals to be fed and watered; lien.

Ibid., p. 585.

SEC. 4383. Every collector and naval officer, and every surveyor residing at a port where there is no collector, shall cause to be affixed and constantly kept in some conspicuous place in his office a fair table of the rates of fees demandable by this Title.

SEC. 4384. All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto.

SEC. 4385. Nothing in this Title shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

SEC. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

SEC. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.



SEC. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

SEC. 4389. The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.

SEC. 4390. Any person or corporation entitled to a lien under section [*forty-four hundred and fifty-three*] [forty-three hundred and eighty-seven] may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished, or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the preceding sections.

Penalty for neglect.

Ibid.

Penalties, how recovered; prosecutions.

Ibid., s. 2.

Lien, how enforced.

Ibid., s. 3.

27 Feb., 1877, c. 69, v. 19, p. 251.