

CONGRESS OF THE UNITED STATES OF AMERICA, of Seamen, Merchants, &c.

shall be liable to the collector, with the other persons composing the crew as aforesaid, on account of any such person dying or absconding, &c. being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

SECTION 2. And be it enacted, That it shall be the duty of every master or commander of a ship or vessel, belonging to the citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea-letter, and Mediterranean passport, with the consul, vice-consul, or commercial agent, (if there be any at such port) and in case of refusal or neglect of the said master or commander to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port, where his ship or vessel may be, to deliver to the said master or commander all of his said papers. Provided, Such master or commander shall have complied with the provisions contained in this Act, and those of the Act to which this is a supplement.

SECTION 3. And be it further enacted, That whenever a ship or vessel belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice-commercial agent, the list of his ship's company, certified as aforesaid: and to pay to such consul, vice-consul, commercial agent, or vice-commercial agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay over and above the wages which may then be due, to such mariner or seaman, two-thirds thereof to be paid by such consul or commercial agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port, and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

SECTION 4. And be it further enacted, That it shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, of the United States, from time to time to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence, and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels at the request of the said consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States, to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and consul or commercial agent. And the said mariners or seamen shall, if able, be bound to do duty on board of such ships or vessels, according to their several abilities. Provided, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage, and if any such captain or master shall refuse the same on the request or order of the consul, vice-consul, commercial agent, or vice-commercial agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States, in any court of competent jurisdiction. And the certificate of any such consul, or vice-commercial agent, given under his hand and official seal shall be prima facie evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

SECTION 5. And be it further enacted, That the seventh and eighth sections of the act entitled, "An act concerning consuls, and vice-consuls," be, and the same is hereby repealed; and the Secretary of State is authorized to reimburse the consuls, vice-consuls, commercial agents, or vice-commercial agents, such reasonable sums as they may heretofore have advanced for the relief of seamen, though the same should exceed the rate of twelve cents a man per diem.

SECTION 6. And be it further enacted, That it shall and may be lawful for every consul, vice-consul, commercial agent, or vice-commercial agent of the United States, to take and receive for every certificate of discharge of any seaman or mariner in a foreign port, fifty cents; and for commission on paying and receiving the amount of wages payable on the discharge of seamen in foreign ports, two and a half per centum.

ACTS OF THE UNITED STATES For the Government

An Act for the government and regulation of Seamen in the Merchant's Service. Passed July 30, 1790.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall before he proceeds on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel, (except such as shall be apprentices or servants to himself or owners) declaring the voyage or voyages, term or terms of time for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel shall carry out any seaman or mariner, (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seaman and mariners, such master or commander shall pay to every such seaman or mariner, the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped for a similar voyage, within three months next before the time of such shipping: Provided such seaman or mariner shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and such seaman or mariner, not having signed such contract shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

SECTION 2. And be it enacted, That at the foot of every such contract there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render himself on board to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel shall, on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself, (after the time appointed) every such seaman or mariner shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or, having rendered himself on board, shall afterwards desert and escape so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced; both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town or county, within the United States, which by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed on the voyage.

SECTION 3. And be it enacted, That if the mate, or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall, (after the voyage is begun, and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate, (or other officer) and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept, directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the said judge or justice, in writing under their hands, or the hands of two of them whether in any or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provision, or stores, or what repairs, or alterations in the body, tackle, or apparel will be necessary; and upon such report, the said judge or justice shall adjudge and determine, and shall endorse on the said report, his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it is necessary for the said ship or vessel to return to the port from whence she first sailed, and there be refitted; and the master and crew shall in all things conform to the said judgment;

or mariner shall forfeit three day's pay for every day which he shall be absent himself, to be deducted out of his wages; but if he shall be absent himself for more than forty-eight days, he shall forfeit all the wages due to him, and all the chattels which were on board the said ship or vessel, or where they may have been lodged at the time of his desertion, to the owners of said ship or vessel, and moreover to pay to him, or them, all the damages which he or they may be obliged to hire other seamen or mariners in his or their stead, and such damages shall be recovered with costs, in any court of justice or justices having the jurisdiction of the record to the value of ten dollars or upwards.

SECTION 6. And be it enacted, That every seaman or mariner, who shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part of the wages which shall be due to him at every port, where such ship or vessel shall be bound to deliver her cargo, before the voyage be ended, and the cargo or ballast be fully discharged, shall be expressly stipulated in the contract; and a contrary stipulation shall be void. And if the master or commander of a ship or vessel, after the voyage is ended, and the cargo or ballast be fully discharged, shall not be paid within ten days after such discharge, a dispute shall arise between the master and seaman or mariner, the said wages, it shall be lawful for the judge of the district court, where the said ship or vessel shall be bound to deliver her cargo, or in case his residence be more than ten miles from the place, or of his absence from the place of the said ship or vessel to appear before him, to show cause why he should not issue against such ship or vessel, her tackle, apparel, according to the course of admiralty courts, to a satisfaction of the wages; and if the master shall neglect to appear, he shall not show that the wages are paid or otherwise satisfied, and if the matter in dispute shall not be forthwith settled, the judge or justice shall certify to the clerk of the district court, that there is sufficient cause of complaint where the admiralty process, and thereupon the clerk of such court shall process against such ship or vessel, and the suit shall be in the said court, and final judgment be given according to the course of admiralty courts in such cases used, and in such suit a seaman or mariner (having cause of complaint of the like kind as the same ship or vessel) shall be joined as complainants; and an incumbrance on the master or commander to produce the log-book, if required, to ascertain any matters in dispute, shall not be a bar to the said process. And the complainants shall be permitted to state the contents of the proof of the contrary shall lie on the master or commander, and herein contained shall prevent any seaman or mariner or maintaining any action at common law for the recovery of the wages; or for immediate process out of any court having jurisdiction wherever any ship or vessel may be found, in case he have left the port of delivery where her voyage ended, before the wages, or in case she shall be about to proceed to the end of the ten days next after the delivery of her cargo.

SECTION 7. And be it enacted, That if any seaman or mariner shall have signed a contract to perform a voyage, shall desert, or shall absent himself from such ship or vessel, or leave the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace, within the United States, (upon the complaint of the master) to issue his precept against such deserter, and bring him before such justice, then appear by due proof that he has signed a contract, and that he has deserted, and that the voyage agreed upon is altered, or that the contract otherwise dissolved, and that the man or mariner has deserted the ship or vessel, or absented himself, the said justice shall commit him to the gaol or common jail of the city, town, or place, there to remain until he shall be ready to proceed on her voyage, or until the master shall require his discharge, and then to be delivered to the master, he paying all the costs of such commitment, and same out of the wages due to such seaman or mariner.

SECTION 8. And be it enacted, That every ship or vessel of the burthen of fifty tons or upwards, navigated by ten or more persons, shall be provided with a chest of medicines, put up by some person of known reputation, and accompanied by directions for the use of the same; and the said medicines shall be examined by some other apothecary, once at least in every year, and fresh medicines in the place of such as shall have been used, and in default of having such medicine chest so provided for use, the master or commander of such ship or vessel shall be liable to pay for all such advice, medicine, or attendance of any of the crew shall stand in need of in case of sick or wounded seaman or mariner, or if the said ship or vessel shall touch or trade at any port or place where the said ship or vessel may touch or trade, without any deduction from the wages of such seaman or mariner.

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SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens of any foreign country, shall after the first day of January next, take on board of such ship or vessel, at any foreign port or place; or shall bring or convey into the United States, or the territories thereof, from any foreign port or place; or shall carry, convey, or transport, from the United States, or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to custom-house measurement, every such master, or other person so offending, and the owner or owners of such ship or vessel, shall severally forfeit and pay to the United States, the sum of one hundred and fifty dollars for each and every passenger so taken on board of such ship or vessel, over and above the aforesaid number of two to every five tons of such ship or vessel, to be recovered by suit in any circuit or district court of the United States, where the said vessel may arrive, or where the owner or owners aforesaid may reside. Provided nevertheless, That nothing in this act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

SECTION 2. And be it further enacted, That if the number of passengers so taken on board of any ship or vessel, as aforesaid, or conveyed or brought into the United States, or transported therefrom, as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel, by the number of twenty passengers in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act entitled "An Act to regulate the collection of duties on imports and tonnage."

SECTION 3. And be it further enacted, That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread for each and every passenger on board such ship or vessel, over and above such other provisions, stores, and live stock, as may be put on board by such master or passengers for their own use, or that of the crew of such ship or vessel; and in like proportion for a longer or shorter voyage; and if the passengers on board of such ship or vessel, in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar, or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay to each and every passenger who shall have been put on short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the same manner as seamen's wages are or may be recovered.

SECTION 4. And be it further enacted, That the captain or master of any ship or 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