PUBLIC ACTS OF THE FIFTY-FIFTH CONGRESS

OF THE

UNITED STATES

Passed at the third session, which was begun and held at the city of Washington, in the District of Columbia, on Monday the fifth day of December, 1898, and was adjourned without day on the third day of March, 1899.

WILLIAM MCKINLEY, President; GARRET A. HOBART, Vice-President and President of the Senate; WILLIAM P. FRYE, President of the Senate, *pro tempore;* THOMAS B. REED, Speaker, and SERENO E. PAYNE, Speaker *pro tempore,* of the House of Representatives.

CHAP. 28.—An Act To amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce. December 21, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-five hundred and sixteen of the Revised Statutes be, and is hereby, amended so as to read as follows: American seamen. Protection of, etc.

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections." Replacing lost seamen. R. S., sec. 4516, p. 873, amended.

SEC. 2. That section forty-five hundred and twenty-two of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned." Penalty for omitting to begin voyage. R. S., sec. 4522, p. 874, amended.

SEC. 3. That section forty-five hundred and twenty-six of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Termination of wages by loss of vessel. R. S., sec. 4526, p. 875, amended.

in accordance with section forty-five hundred and twenty-nine of the Revised Statutes."

Supra, p. 756.

SEC. 7. That section forty-five hundred and fifty-six of the Revised Statutes be, and hereby is, amended so as to read as follows:

"SEC. 4556. If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the 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 shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section forty-five hundred and fifty-seven provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars."

Complaint that vessel is unseaworthy, etc.
R. S., sec. 4556, p. 882, amended.
—penalty.

SEC. 8. That section forty-five hundred and fifty-seven of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4557. The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Marine Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen."

Proceedings upon examination of vessel.
R. S., sec. 4557, p. 882, amended.
—judgment.
—costs.

SEC. 9. That section forty-five hundred and fifty-eight of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4558. If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him."

Penalty for refusal to proceed when vessel is found seaworthy, etc.
R. S., sec. 4558, p. 882, amended.

SEC. 10. That section forty-five hundred and fifty-nine of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that

Appointment of inspectors by consul in foreign port.
R. S., sec. 4559, p. 882, amended.

her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section forty-five hundred and fifty-seven."

SEC. 11. That section forty-five hundred and sixty-one of the Revised Statutes be, and is hereby, amended to read as follows:

Discharge of seamen on account of unseaworthiness of vessel. R. S., sec. 4561, p. 883, amended.

"SEC. 4561. The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness."

Where defect is unavoidable, crew to remain.

Penalty for knowingly sending unseaworthy ship to sea.

SEC. 12. That section forty-five hundred and sixty-four of the Revised Statutes be, and is hereby, amended to read as follows:

Penalty for failure to provide sufficient provisions. R. S., sec. 4564, p. 883, amended.

"SEC. 4564. Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section forty-five hundred and sixty-eight of the Revised Statutes."

SEC. 13. That section forty-five hundred and sixty-six of the Revised Statutes be, and is hereby, amended to read as follows:

Forfeiture for false complaint. R. S., sec. 4566, p. 884, amended.

"SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey."

SEC. 14. That section forty-five hundred and sixty-eight of the Revised Statutes be, and is hereby, amended to read as follows:

Compensation for reduction of provisions. R. S., sec. 4568, p. 884, amended. R. S., sec. 4612, p. 895; *infra*, p. 762.

"SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section forty-six hundred and twelve of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or

unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

"First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding fifty cents a day.

"Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

"Third. In respect of bad quality, a sum not exceeding one dollar a day.

—unavoidable reduction, etc.

"But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require."

SEC. 15. That section forty-five hundred and seventy-two of the Revised Statutes be, and is hereby, amended to read as follows:

Woolen clothing and warm room for seamen.
R. S., sec. 4572, p. 885, amended.

"SEC. 4572. Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars."

SEC. 16. That section forty-five hundred and eighty-one of the Revised Statutes be, and is hereby, amended to read as follows:

Penalty for neglect to collect extra wages on discharge of seamen.
R. S., sec. 4581, p. 887, amended.

"SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen."

Employment, etc., for discharged seamen.

—discharge by consent, etc.

SEC. 17. That section forty-five hundred and eighty-two of the Revised Statutes be, and is hereby, amended to read as follows:

Compensation for discharge in case of sale of vessel.
R. S., sec. 4582, p. 887, amended.

"SEC. 4582. Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to a fine of not exceeding fifty dollars."

SEC. 18. That section forty-five hundred and eighty-three of the Revised Statutes be, and is hereby, amended to read as follows:

Inquiry by consul on discharge of seamen.
R. S., sec. 4583, p. 887, amended.

"SEC. 4583. Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman."

R. S., sec. 4596, p. 890 amended.

SEC. 19. That section forty-five hundred and ninety-six of the Revised Statutes be, and is hereby, amended to read as follows:

"Domestic trade" defined.
—"foreign trade."

"SEC. 4596. The words 'domestic trade' in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words 'foreign trade' shall include trade between ports of the United States and foreign ports, except as above specified, and trade between Atlantic and Pacific ports of the United States. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punishable as follows:

Offenses by seamen; penalties for.
—desertion.

"First. For desertion, if the offense occur at a port of the United States, or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

—absence not amounting to desertion, etc.

"Second. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

—quitting vessel without leave.

"Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

—willful disobedience.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

—continued disobedience or neglect.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port,

if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

"Sixth. For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years. —assaulting master or mate.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months. —damaging vessel; embezzlement.

"Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months." —smuggling.

SEC. 20. That section forty-five hundred and ninety-seven of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense."

Entry of offenses in log book. R. S., sec. 4597, p. 891, amended.

—notice to offender.

—reply of.

Entries to be produced in subsequent proceedings.

SEC. 21. That section forty-six hundred of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to reclaim deserters, discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section forty-five hundred and eighty-three of the Revised Statutes; and the officer discharging such seamen shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel of unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

Reclamation of deserters by consular officers. R. S., sec. 4600, p. 892, amended.

Inquiry by consul. R. S., 4583, p. 887.

—entry of cause of discharge, etc.

SEC. 22. That section forty-six hundred and eleven of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon

Corporal punishment abolished. R. S., sec. 4611, p. 894, amended.

—penalty.

as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render said master liable in damages to the person illegally punished by such officer."

Scale of provisions. R. S., sec. 4612, p. 895, amended.

SEC. 23. That section forty-six hundred and twelve of the Revised Statutes is hereby amended by striking out the scale of provisions and substitutes in Table A, and in place thereof inserting the following scale of provisions and substitutes to be allowed and served out to the crew during the voyage:

	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Water ..... quarts..	4	4	4	4	4	4	4
Biscuit ..... pound..	½	½	½	½	½	½	½
Beef, salt ..... pounds..	....	....	1¼	....	1¼	....	1¼
Pork, salt ..... pound..	....	1	....	1	....	1	....
Flour ..... pound..	½	....	½	....	½	....	....
Canned meat ..... pound..	1	....	....	1	....	....	....
Fresh bread ..... pounds..	1½ pounds daily.						
Fish, dry, preserved, or fresh. pound..	....	....	....	....	....	1	....
Potatoes or yams ..... pound..	1	1	1	1	1	1	1
Canned tomatoes ..... pound..	½	....	....	....	....	½	....
Pease ..... pint..	....	....	⅓	....	....	⅓	....
Beans ..... pint..	....	⅓	....	⅓	....	....	....
Rice ..... pint..	....	⅓	....	....	....	....	⅓
Coffee (green berry) ..... ounce..	¾	¾	¾	¾	¾	¾	¾
Tea ..... ounce..	⅛	⅛	⅛	⅛	⅛	⅛	⅛
Sugar ..... ounces..	3	3	3	3	3	3	3
Molasses ..... pint..	½	....	½	....	½	....	....
Dried fruit ..... ounces..	3	....	3	....	3	....	....
Pickles ..... pint..	....	¼	....	¼	....	¼	....
Vinegar ..... pint..	....	....	½	....	....	....	½
Corn meal ..... ounces..	4	....	....	....	4	....	....
Onions ..... ounces..	4	....	....	....	4	....	4
Lard ..... ounce..	1	1	1	1	1	1	1
Butter ..... ounce..	1	1	1	1	1	1	1
Mustard, pepper, and salt sufficient for seasoning.							

Substitutes.

"SUBSTITUTES.

"One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal; two ounces of pickled onions for four ounces of fresh onions.

"When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while

in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

"The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel."

Scale to be inserted in articles, etc.

SEC. 24. That section ten of chapter one hundred and twenty-one of the laws of eighteen hundred and eighty-four, as amended by section three of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, be, and is hereby, amended to read as follows:

"SEC. 10. (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than one hundred dollars.

Payment of seamen's wages in advance forbidden.
Vol. 23, p. 56.
Vol. 24, p. 80.
—penalty.

Penalty for accepting remuneration for procuring employment.

"(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grand parents, parents, wife, sister, or children. But no allotment whatever shall be allowed in the trade between the ports of the United States (except as provided in subdivision C of this section) or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies and Mexico.

Allotment of wages to parents, etc.

"(c) That it shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or vice versa, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of the Treasury, not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

Allotments permitted.
—amount.

"(d) That no allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

Allotment agreement, approval of, etc.

"(e) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court.

Penalty for false statement of debt due from seaman, etc.

"(f) That this section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel

Section applicable to foreign vessels.

Proviso. Existing treaties.

of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

Regulations.

"(g) That under the direction of the Secretary of the Treasury the Commissioner of Navigation shall make regulations to carry out this section."

Repeal. Vol. 24, p. 80. R. S., secs. 4531, 4532, 4533, 4534, p. 876. R. S., secs. 4598, 4599, p. 891. R. S., sec. 4601, p. 892. R. S., sec. 4609, p. 893. Vol. 28, p. 667. R. S., sec. 4511, p. 872. Vol. 25, p. 80.

SEC. 25. That section three of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, approved June nineteenth, eighteen hundred and eighty-six; sections forty-five hundred and thirty-one, forty-five hundred and thirty-two, forty-five hundred and thirty-three, forty-five hundred and thirty-four, forty-five hundred and ninety-eight, forty-five hundred and ninety-nine, forty-six hundred and one, and forty-six hundred and nine, of the Revised Statutes, and so much of chapter ninety-seven of the laws of eighteen hundred and ninety-five as relates to allotment, and subdivision eight of section forty-five hundred and eleven of the Revised Statutes, in so far as the same relates to the domestic trade as defined in section nineteen of this Act, and that section three of an Act entitled "An Act to amend the laws relating to navigation, and for other purposes," approved April fourth, eighteen hundred and eighty-eight, chapter sixty-one, page eighty, Statutes Fiftieth Congress, first session, are hereby repealed.

Effect. Scope of act. Exception of fishing, etc., vessels.

SEC. 26. That this Act shall take effect sixty days after its approval, and shall apply to all vessels not herein specifically exempted, but sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, thirteen, fourteen, fifteen, twenty-three, and twenty-four shall not apply to fishing or whaling vessels or yachts.

Approved, December 21, 1898.

December 21, 1898.

CHAP. 29.—An Act Concerning sail vessels of over seven hundred tons, and for other purposes.

Sail vessels. R. S., sec. 4438, p. 859, amended. Licenses of masters and mates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and thirty-eight of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over seven hundred tons and all other vessels and barges of over one hundred tons burden carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or as master or chief mate of any sail vessel of over seven hundred tons who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense."

SEC. 2. That section forty-four hundred and thirty-nine of the Revised Statutes be, and is hereby, amended to read as follows:

License of master. R. S., sec. 4439, p. 859, amended. —examination of applicant. —revocation of license.

"SEC. 4439. Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this title applicable to him."