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Laws of the United States Passed at the Second Session of the Forty-First Congress.

[GENERAL NATURE—No. 108.]

An act to correct an error in the act approved February twenty-fourth, eighteen hundred and seventy-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An act to provide for the disposition of useless military reservations," approved February twenty-fourth, eighteen hundred and seventy-one, as locates the military reservation of Fort Walla-Walla, in "Oregon," is hereby amended so as to read "Washington Territory," the actual location of said reservation.

Approved June 5, 1872.

[GENERAL NATURE—No. 109.]

An act in regard to the commencement of increased pay to promoted officers in the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the clause in section seven of the act of July fifteenth, eighteen hundred and seventy, "making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and seventy-one, and for other purposes," which enacts "that hereafter the increased pay of a promoted officer shall commence from the date he is to take rank as given in his commission," be, and the same is hereby repealed; provided, that if such officer shall have been promoted in course to fill a vacancy, and shall have been in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from that date.

Approved June 5, 1872.

[GENERAL NATURE—No. 110.]

An act to fix the pay of certain Rear Admirals on the retired list of the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirtieth day of June, eighteen hundred and seventy, Rear Admirals on the retired list of the navy, who were retired as captains when the highest grade in the navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of Rear Admiral, and performed the duties of that grade in time of war, shall, when not on duty, be entitled to and receive the pay of Rear Admirals on the retired list.

Approved June 5, 1872.

[GENERAL NATURE—No. 112.]

An act making appropriations for the support of the army for the year ending June thirty, eighteen hundred and seventy-three, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for the support of the army for the year ending June thirtieth, eighteen hundred and seventy-three:

For expenses of the Commanding General's office, five thousand dollars.

For expenses of recruiting and transportation of recruits, one hundred and twenty thousand five hundred and eighty dollars.

For contingent expenses of the Adjutant General's department at the headquarters of military divisions and departments, five thousand dollars.

For the expenses of the signal service of the army, twelve thousand five hundred dollars.

For pay of the army, and for payment to discharged soldiers for clothing not drawn, twelve million one hundred and five thousand five hundred and ninety-one dollars and thirty-two cents.

For allowances to officers of the army for transportation of themselves and their baggage, when traveling on duty, without troops, escorts or supplies, two hundred and forty thousand dollars.

For general expenses, such as the compensation of witnesses while on court-martial service, and traveling expenses of paymasters' clerks, and postage on letters, and packages, and telegrams received and sent by officers of the army on public business, military commissions and courts of inquiry, one hundred thousand dollars.

For subsistence of regular troops, engineers and Indian scouts, two million seven hundred and seventy thousand nine hundred and forty four dollars.

For regular supplies of the Quartermaster's department, to wit: For the regular supplies of the Quartermaster's department, consisting of fuel for officers, enlisted men, guards, hospitals, storehouses and offices; of forage in kind for the horses, mules and oxen of the Quartermaster's department, at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing of division and department orders and reports, four million dollars.

For incidental expenses, viz: For postage and telegrams or dispatches; extra pay to soldiers employed, under the direction of the Quartermaster's department, in the erection of barracks, quarters, store houses and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at posts and other places when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture, hire of laborers in the Quartermaster's department, including the hire of interpreters, spies and guides for the army; compensation of clerks to officers of the Quartermaster's department; compensation of forage and wagon masters authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters and the expense incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, namely: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of an army not expressly assigned to any other department, one million two hundred thousand dollars.

For purchase of horses for the cavalry and artillery, and for Indian scouts and for such infantry as may be mounted, three hundred thousand dollars.

For transportation of the army, including baggage of the troops when moving either by land or water; of clothing, camp and garrison equippage from the depots of Philadelphia and Jeffersonville to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores and small arms from the foundries and armories to the arsenals, fortifications, frontier posts and army depots; freight, wharfage, tolls and ferriages; the purchase and hire of horses, mules, oxen and harness, and the purchase and repair of wagons, carts and drays, and of ships and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors and rivers to the extent which may be required for the actual operations of troops in the field, four million dollars.

For hire of quarters for officers on military duty, hire of quarters for troops, of store houses for the safe-keeping of military stores, of offices and of grounds for camps, and for summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, one million two hundred and fifty thousand dollars.

For construction and repairs of hospitals, one hundred thousand dollars.

For heating and cooking stoves, ten thousand dollars.

For purchase and manufacture of clothing, camp and garrison equipage, and for preserving and repacking stock of clothing, camp and garrison equipage, and materials on hand at the Schuylkill arsenal and other depots, seven hundred and seventy thousand dollars.

For the necessary expenses of such sales of stores or material belonging to the army establishment as may be authorized by law, ten thousand dollars.

For establishing and maintaining national military cemeteries, two hundred and fifty thousand dollars.

For army contingencies, namely, such expenses as are not provided for by other estimates, embracing all branches of the military service, seventy-five thousand dollars.

For purchase of medical and hospital supplies, pay of private physicians employed in emergencies, hire of hospital attendants, expenses of purveying depots, of medical examining boards, and incidental expenses of the medical department, three hundred thousand dollars.

For providing surgical apparatus or appliances for the relief of persons disabled in the military and naval service of the United States, and not included within the terms of any law granting artificial limbs, or other special relief, ten thousand dollars, to be expended under the direction of the Secretary of War; provided, that a report shall be made to Congress, at its next annual session, showing the name and residence of each person relieved, and the nature and cost of the apparatus provided.

For the Army Medical Museum and medical and other necessary works for the library of the Surgeon General's Office, ten thousand dollars.

Engineer department at Willett's Point.

For protection of ponton boats, remodeling ponton material, and for current expenses of depot, five thousand dollars.

For modification and repair of buildings, five thousand dollars.

For erection of new chapel, five thousand dollars.

For repairs of instruments for general service of the corps of engineers, ten thousand dollars.

For purchase of siege and mining material, and for simple photographic apparatus for copying maps, one thousand dollars.

For expenses of trials with torpedoes, for harbor and land defense, and material for same, ten thousand dollars.

For the ordinance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordinance supplies; of police and office duties; of rents, tolls, fuel and lights; of stationery and office furniture; of tools and instruments for use; of public animals; forage, and vehicles; incidental expenses of the ordinance service, including those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, two hundred thousand dollars.

For manufacturing metallic ammunition for small-arms, one hundred and twenty-five thousand dollars.

For overhauling, preserving, and cleaning new ordnance stores on hand in the arsenals, seventy five thousand dollars.

For sea-coast cannon, and carriages for the same, one hundred and twenty thousand dollars.

For experiments and tests of heavy rifled ordnance, two hundred and seventy thousand dollars; provided, that this appropriation shall be applied to at least three models of heavy ordnance, to be designated by a board of officers to be appointed by the Secretary of War, which report shall include both classes, breech and muzzle loading cannon, and the powder and projectiles necessary for testing the same shall be supplied from stores on hand.

For constructing and testing Moffat's breech-loading field-pieces, eight thousand dollars; and for testing James Crockett's graduating and accelerating cartridge, and for experimenting with patent metallic cartridge of Willis E. Moore, and other improvements in ammunition, five thousand dollars.

For purchase and manufacture of other ordinance stores to fill requisition of troops, fifty thousand dollars.

For manufacture of arms at the national armory, one hundred and fifty thousand dollars; provided, that no part of this appropriation shall be expended until a breech-loading system for muskets and carbines shall have been adopted for the military service upon the recommendation of the board to be appointed by the Secretary of War, which board shall consist of not less than five officers, as follows: one general officer, one ordnance officer, and three officers of the line, one to be taken from the cavalry, one from the infantry and one from the artillery; and provided further, that the system, when so adopted, shall be the only one to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service; and no royalty shall be paid by the government of the United States for the use of said patent to any of its officers or employes, or for any patent in which said officers or employes may be directly or indirectly interested.

SEC. 2. That hereafter it shall be illegal to brand, mark, or tattoo on the body of any soldier by sentence of court-martial, and the word "corporeal" shall be stricken from the forty-fifth of the rules and article for the government of the armies of the United States.

Approved, June 6, 1872.

[GENERAL NATURE—No. 113.]

An act to continue the act to authorize the settlement of the accounts of officers of the army and navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to authorize the settlement of the accounts of the officers of the army and navy, approved June twenty-third, eighteen hundred and seventy, shall continue and be in force for two years from June twenty-third, eighteen hundred and seventy-two, and no longer.

Approved June 7, 1872.

[GENERAL NATURE—No. 114.]

An act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several circuit courts of the United States, in which circuits there is a seaport or seaports for which there is a collector of customs, or in which there is a port of entry, shall appoint a commissioner for such seaport within their respective circuits as in their judgment may require the same, and which shall also be ports of ocean navigation, such commissioners to be termed "shipping commissioners;" and may, from time to time, remove from office any of the said commissioners whom it may have reason to believe does not properly perform his duties; and shall provide for the proper performance of such duties until another person is duly appointed in his place; shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

SEC. 2. That every shipping commissioner so appointed shall enter into bonds to the United States, conditioned for the faithful performance of the duties required in his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient securities therefor, to be approved by said judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States; and that I will truly and faithfully discharge the duties of a shipping commissioner to the best of my ability, and according to law." Said oath shall be indorsed on the commission or certificate of appointment, and signed by him and certified by the officer before whom such oath or affirmation shall have been taken.

SEC. 3. That any shipping commissioner may engage a clerk or clerks to assist him in the transaction of the business of the shipping office, at his own proper cost, and may, in case of necessity, depute such clerk or clerks to act for him in his official capacity; but the shipping commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this act; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping commissioner. Each shipping commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States and the name of the seaport or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as prima facie evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 4. That every shipping commissioner shall lease, rent, or procure at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith, and which premises shall be styled "the shipping-commissioner's office." And the general business of a shipping-commissioner shall be, first, to afford facilities for engaging seamen by keeping a register of their names and characters; secondly, to superintend their engagement and discharge, in manner hereinafter mentioned; thirdly, to provide means for securing the presence on board at the proper times of men who are so engaged; fourthly, to facilitate the making of apprenticeships to the sea service, and to perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter, under the powers herein contained, be committed to him.

SEC. 5. That such fees, not exceeding the sums specified in the table marked "A" in the schedule hereto annexed, shall be payable upon all engagements and discharges effected before shipping-commissioners as hereinafter mentioned, and such shipping-commissioners shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping office; and the shipping commissioner may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

SEC. 6. That every owner, consignee, agent, or master of a ship engaging or discharging any seamen or seaman in a shipping office, or before a shipping commissioner, shall pay to the shipping commissioner the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge, from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the table marked "B" in the schedule hereto annexed.

SEC. 7. That any shipping commissioner, or any clerk or employe in any shipping office, who shall demand or receive any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ships, excepting the lawful fees payable under this act, shall, for every such offense, incur a penalty not exceeding two hundred dollars.

SEC. 8. That in the case of any place or port in which no shipping commissioner shall have been appointed, then the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such place or port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed shall for all purposes be deemed a shipping commissioner within the meaning of this act; and any person other than a commissioner under this act who shall perform, or attempt to perform, either directly or indirectly, the duties which are by this act set forth as pertaining to a "shipping commissioner," shall incur a penalty not exceeding five hundred dollars; provided, that nothing in this act shall be construed as to prevent the owner, or consignee, or master of any ship, except such as are described in section twelve of this act, from performing himself, so far as the said ships are concerned, the duties of shipping commissioner under this act.

SEC. 9. That every shipping commissioner appointed under this act shall, if applied to for the purpose of apprenticing boys to the sea service by any masters or owners of ships, or by any person or persons legally qualified, give such assistance as in their power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of said boy have consented to said apprenticeship, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose: provided, That said apprenticeship shall terminate when the apprentice becomes eighteen years of age. And the shipping commissioner may receive from the persons availing themselves of such assistance the fees contained in table "C" in the schedule hereto annexed. And the shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

SEC. 10. That the master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any) and the name of said apprentice, with the date of the indenture and the assignment or assignments thereof (if any) shall be entered on the agreement; and no such assignment shall be made without the approval of a commissioner, the apprentice, his parents, or his guardian. And for any default in obeying the provisions of this section, the master shall, for each offense, incur a penalty not exceeding one hundred dollars.

SEC. 11. That if any person shall demand or receive, either directly or indirectly, from any seaman seeking employment as a seaman, or from any other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment he shall, for every such offense, incur a penalty not exceeding one hundred dollars.

SEC. 12. That the master of every ship bound from a port in the United States to any foreign port, or of any ship of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew in the manner hereinafter mentioned; and every such agreement shall be in the form, as near as may be, as hereunto in table "D" in the schedule annexed, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars, that is to say: First, the nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate; secondly, the number and description of the crew, specifying their respective employments; thirdly, the time at which each seaman is to be on board to begin work; fourthly, the capacity in which each seaman is to serve; fifthly, the amount of wages each seaman is to receive; sixthly, a scale of the provisions which are to be furnished to each seaman; seventhly, any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct as may be sanctioned by Congress as regulations proper to be adopted, and which the parties agree to adopt; eighthly, any stipulations in reference to advance and allotment of wages, or other matters not contrary to law; provided, that whenever the master of any vessel shall engage his crew, or any part of the same, in any customs district where no shipping commissioner shall have been appointed under section one of this act, he may perform for himself the duties of such commissioner, in like manner as is provided by the proviso of section eight of this act: provided further, that this section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports: but seamen may, by agreement, serve on board such vessels a definite time, or on the return of any vessel to a port in the United States may reship and sail in the same vessel on another voyage without the payment of additional fees to the shipping-commissioner by either the seamen or the master.

SEC. 13. That the following rules shall be observed with respect to agreements: First, every agreement (except in such cases of agreements as are hereinafter specially provided for) shall be signed by each seaman in the presence of a shipping-commissioner; secondly, when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master; thirdly, every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner, and shall be indorsed on or annexed to such agreement, and such certificate of acknowledgement shall be in form and manner following, to wit:

"State of ——, county of ——:

"On this —— day of —— personally appeared before me, a shipping commissioner in and for the said county, A. B., C. D. and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same, and that while sober, and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

SEC. 14. That, first, if any person shall be carried to sea as one of the crew on board of any ship making a voyage as hereinbefore specified without entering into an agreement with the master of said ship in the form and manner and at the place and times hereby in such cases required the ship shall be held liable, and for each such offense shall incur a penalty not exceeding two hundred dollars; provided always, that the ship shall not be held liable for any person carried to sea who shall have secretly stowed away himself without the knowledge of captain, mate, or of any of the officers of the ship, or who shall have falsely personated himself to the captain, mate, or officers of the ship for the purpose of being carried to sea; secondly, if any master, mate, or other officer of a ship knowingly receives, or accepts to be entered on board of any merchant ship, any seaman who has been engaged or supplied contrary to the provisions of this act, the ship on board of which such seaman shall be found shall, for every such seaman, be liable to and incur a penalty of a sum not exceeding two hundred dollars; provided further, that in case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring such penalty.

SEC. 15. That every master of a merchant ship of the United States who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen before such officer; and the same rules as are hereinbefore contained with respect to the engagement of seamen before a shipping commissioner in the United States shall apply to such engagements made before consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and every master who engages any seaman in any place in which there is a consular officer or commercial agent otherwise than as hereinbefore required, shall incur a penalty not exceeding one hundred dollars, for which penalty the ship shall be held liable; and all such agreements so made shall be void, and the seamen so engaged shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped.

SEC. 16. That 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 such payments are to be made.

SEC. 17. That no advance of wages shall be made or advance security given to any person but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurace statement of the amount thereof; and no advance wages or advance security shall be given to any seaman except in the presence of the shipping commissioner.

SEC. 18. That if any advance in wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or promised; and in the case of any advance security so given no person shall be sued thereon unless he was a party to such breach.

SEC. 19. That whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the ship from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the ship from the said port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security, in any justice's or other competent court; and in any such proceeding it shall be sufficient for such person to prove the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman, and the seaman shall be presumed to have sailed in the ship from such port as aforesaid, and to be duly earning his wages, unless the contrary is proved.

SEC. 20. That the master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement (omitting signatures) to be placed or posted up in such part of the ship as to be accessible to the crew; and on default shall, for each offense, incur a penalty not exceeding one hundred dollars.

SEC. 21. That any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing such evidence as the court hearing the case deems satisfactory of having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

SEC. 22. That all seamen discharged in foreign ports, or in the United States, otherwise than before the shipping commissioner, shall be entitled to receive from the master or owner, or his agent, a duly authenticated account of the amount of and the reasons for any deductions from their wages, and of the place where, and of the persons to whom, such deductions were paid; and such accounts shall be taken by the shipping commissioner, and by the proper officer of customs, in ascertaining the amount of wages due to such seamen.

SEC. 23. That every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, incur a penalty not exceeding fifty dollars; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, to be called the "Official Log-book," as hereinafter provided, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

SEC. 24. That upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form hereto annexed, marked "E;" and if any master fails to sign and give to any such seaman such certificate and discharge, he shall, for each such offense, incur a penalty not exceeding fifty dollars; provided, that the proviso annexed to section twelve, which applies to masters of vessels engaging seaman under that proviso, shall also apply to such masters of vessels in the discharge of seamen.

SEC. 25. That every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties, and any document purporting to be under the hand and official seal of a commissioner, such submission or award shall be prima facie evidence thereof.

SEC. 26. That in any proceedings relating to the wages, claims, or discharge of any seaman, carried on before any shipping commissioner, under the provisions of this act, such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log books, papers, or other documents in their respective possession or power, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, for each offense incur a penalty not exceeding one hundred dollars, and, on application being made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

SEC. 27. That the following rules shall be observed with respect to the settlement of wages, that is to say: First, upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose; provided, that both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping commissioner; secondly, such release so signed and attested shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement; thirdly, a copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy; fourthly, in cases in which discharge and settlement before a shipping commissioner are hereby required, no payment, receipt, settlement or discharge otherwise made, shall operate as evidence of the release or satisfaction of any claim; fifthly, upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 28. That upon every discharge effected before a shipping commissioner the master shall make and sign, in a form marked "E," in schedule thereto annexed, a report of the conduct, character and qualifications of the persons discharged, or may state on said form that he declines to give opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired, to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

SEC. 29. That every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant ship or ships of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and shall have served three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant ship in the United States, anything to the contrary in any previous act of Congress notwithstanding; but such seaman shall for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

SEC. 30. That a seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

SEC. 31. That no seaman shall by any agreement other than is provided by this act forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this act, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

SEC. 32. That no right to wages shall be dependent on the earning of freight by the ship, and every seaman and apprentice who would be entitled to demand and receive any wages if the ship on which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned; but in all cases of wreck or loss of ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

SEC. 33. That in cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, such seaman shall be entitled to wages for the time he has served, and to such proportion of the wages for the whole voyage as the court hearing the case shall adjudge to be in the same proportion as the length of the voyage performed by the ship with which he has shipped shall be to the whole voyage contemplated by the agreement; and in ascertaining the amount of wages regard shall be had to the amount earned by the ship for her cargo, and to the wages current at the port of her destination at the time when her voyage ought to have been performed, and to the amount of the wages of the master and other officers in the ship, and to the usage of the trade in which she is employed, and to all other circumstances affecting the claim; and the court shall, in adjudging the same, be guided by the rules in force in the court of admiralty in the United States in the like cases, so far as the same shall be applicable to the case, and shall also, in addition to and concurrently with any other remedy, have the same remedies for the recovery of such wages as aforesaid, and shall have the same jurisdiction in the matter of such wages as aforesaid, as the court of admiralty in the United States has in the case of a maritime lien on a ship for wages earned by the crew of a ship in the course of her navigation.

SEC. 34. That in cases provided for by the last preceding section the following rules shall be observed: First, if the ship proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of, or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States; secondly, if the ship touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the said effects, money and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping commissioner there; and such consular officer shall in such case indorse and certify upon the agreement with the crew, the particulars with respect to such delivery and payment; thirdly, if such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there; fourthly, the master shall in all cases in which any seaman or apprentice dies during the progress of the voyage or engagement, to give to such officer or shipping commissioner as aforesaid an account, in such form as they may respectively require, of the effects, money and wages so to be delivered and paid, and no deductions claimed in such account shall be allowed unless verified, if there is any official log-book, by such entry therein as hereinbefore required; and also by such other vouchers (if any) as may be reasonably required by the officer or shipping commissioner to whom the account is rendered; fifthly, upon due compliance with such of the provisions of this section as relates to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the master a certificate to that effect, and no officer of customs shall clear inward any foreign going ship without the production of such certificate.

SEC. 45. That if any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectfully directed, he shall be accountable for the money, wages and effects of the seaman or apprentice to the judicial circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and such master shall, in addition for every such offense, incur a penalty not exceeding treble the value of the money or effects, or, if such value is not ascertained, not exceeding two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are enabled to recover wages due to them.

SEC. 46. That if any such seaman or apprentice as last aforesaid dies at any place out of the United States, leaving any money or effects not on board of his ship, the United States consul or commercial agent at or nearest the place shall claim and take charge of such money and effects; and such officer shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this act, and shall quarterly remit to the judge of the district court of the port from which such ship sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions hereinbefore contained, and shall render such accounts thereof as the district judge requires.

SEC. 47. That whenever any seaman or apprentice dies in the United States, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

SEC. 48. That every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages or effects of any deceased seaman or apprentice, pay, remit or deliver to the circuit court of the circuit in which he resides, the said money, wages or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to said money and effects; and should any commissioner fail to pay, remit and deliver to the circuit court within the time hereinbefore mentioned, he shall incur a penalty not exceeding treble the amount of the value of such money and effects.

SEC. 49. That if the money and effects of any seaman or apprentice paid, remitted or delivered to the circuit court, including the moneys received for any part of said effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his said money and effects, as the said court thinks fit to allow, the said courts may, if it thinks fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction of the court either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the statute for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if it thinks fit so to do, require probate, or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

SEC. 50. That in cases of wages or effects of deceased seamen or apprentices received by the circuit courts, to which no claim is substantiated within six years after the receipt thereof by any of the said courts, it shall be in the absolute discretion of any of such courts, if any