

CONGRESS OF THE UNITED STATES.

Began and held at the City of New-York, on Wednesday the Fourth of March, One Thousand Seven Hundred and Eighty-Nine.

An ACT for registering and clearing VESSELS, Regulating the COASTING-TRADE, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the United States, but on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States, to ships or vessels of the descriptions aforesaid.

SEC. 2. And be it further enacted, That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the secretary of the treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz.

"IN pursuance of an act of the Congress of the United States of America, entitled, 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,' [here insert the name, occupation and residence of the subscribing owner] having taken and subscribed the oath or affirmation required by said act, and having sworn or affirmed, that he together with [names, occupation and residence of non-subscribing owners] is (or are) sole owner (or owners) of the ship (or vessel) called the [ship's name] of [place to which the ship (or vessel) belongs] whereof [master's name] is at present master, and is a citizen of the United States, and that the said ship (or vessel) was [when and where built] and [name of surveying officer] having certified to us, that the said ship or vessel, has [number of decks] and masts, that her length is [] her breadth [] and that the measures [] her depth [] tons, that she is [here is described the vessel and how built] has [] gallery and head: And the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of [] Given under our hands and seals of office, at [port] this [] day of [] in the year [] [words at full length.] And the said collector shall transmit to the secretary of the treasury a duplicate of every such certificate so granted. And it shall be the duty of the secretary of the treasury to transmit to the collectors of the several ports of the United States, a sufficient number of certificates attested under his hand and seal, leaving the blanks to be filled up by the collectors respectively.

SEC. 3. And be it further enacted, That to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double decked, from the forepart of the main stem, to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double decked vessel; he shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single decked vessel, he shall take the length and breadth, as directed to be taken for double decked vessels, and deduct three-fifths in like manner, and the depth from the under side of the deck plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single decked vessel.

SEC. 4. And be it further enacted, That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband or acting and managing owner or owners of such ship or vessel usually resides or reside: And the name of such ship or vessel, and the place to which she belongs shall be painted on her stern, on a black ground with white letters of not less than three inches in length.

SEC. 5. And be it further enacted, That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall during the time he shall continue to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be agent for, and partner in, some house or co-partnership, consisting of citizens of the United States.

SEC. 6. And be it further enacted, That no registry shall be made or certificate granted, until the following oath or affirmation be taken and subscribed, before the officer herein before authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners namely, "I [] of [place of residence and occupation] do swear or affirm, that the ship or vessel [] [take the description from the certificate of the surveyor or other person authorized by this act] was built at [] in the year [] or was the entire property of [] on the sixteenth day of May one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States, that the present master, is a citizen of the United States, and that I, [] and [the other owners names, occupation, and where they reside, viz. town, place, county and state, or if resident in a foreign country, being an agent for, or partner in any house or co-partnership] am or are sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein, and that I the said [] [and the other owners if any] am or are truly a citizen or citizens of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

SEC. 7. Provided always, and be it further enacted, That whenever the owner or owners of such ship or vessel, usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel as expressed in the certificate of the surveyor, and inserting in lieu thereof, the name of the port and district within which such ship or vessel may then be; and the collector before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be, upon the receipt whereof the said collector shall proceed to register such ship or vessel, in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

SEC. 8. And be it further enacted, That the surveyor or other person, to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the

presence of the master, or any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the built, description and measurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person authorized as aforesaid, to make such registry and grant such certificate thereof; and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer, or other person duly appointed, in testimony of the truth thereof, provided such master or other person, shall agree to the several particulars therein set forth and described.

SEC. 9. And be it further enacted, That when the certificate of registry aforesaid shall be granted, sufficient security by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons on his, her or their behalf, such security to be approved of by the collector, in the penalties following, that is to say; if such ship or vessel shall be above the burthen of fifteen and not exceed fifty tons, in the penalty of four hundred dollars, if exceeding the burthen of fifty tons and not exceeding one hundred tons, in the penalty of eight hundred dollars; if exceeding the burthen of one hundred tons and not exceeding two hundred tons, in the penalty of twelve hundred dollars; if exceeding the burthen of two hundred tons and not exceeding three hundred tons, in the penalty of one thousand dollars; and if exceeding the burthen of three hundred tons, in the penalty of two thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted, and that in case such ship or vessel shall be lost or taken by an enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his or their use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry, shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector to the secretary of the treasury to be cancelled.

SEC. 10. And be it further enacted, That whenever any ship or vessel registered in conformity with this act, shall in whole or in part be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him without delay transmitted to the secretary of the treasury to be cancelled, and such ship or vessel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector in like manner as is herein before directed.

SEC. 11. And be it further enacted, That whenever any such ship or vessel shall in whole or in part be sold or transferred to any person or persons, the certificate of the registry of every such ship or vessel, shall be recited at length in the instrument of transfer or sale thereof, and in default thereof, such instrument or sale or transfer shall be void, and such ship or vessel, shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

SEC. 12. And be it further enacted, That whenever the master or other person, having the charge or command of any ship or vessel registered in the manner herein before directed, shall be changed, the master or owner of such ship or vessel, shall deliver to the collector of the district where such change shall take place, the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the secretary of the treasury.

SEC. 13. And be it further enacted, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of such ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:— "I, [] being master, or having charge of the ship or vessel called the [] do swear, or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of [] and that a certificate thereof was granted at the port of [] but that the same is lost or destroyed (as the case may be) and that the same, if found again, and comes again within my power shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States; and that the said ship or vessel is, I believe, the entire property of a citizen or citizens of the United States; and that no foreigner has, to my knowledge and belief, any property or interest therein;" And the said oath or affirmation shall be filed in the office of the collector before whom it was made, who is hereby required to register the said vessel anew by her former name, and take the security in manner herein before directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or if not residing there, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires, to be lost; and such certificate of registry shall have the same effect with the original, and the said collector shall, within three months, transmit a duplicate of the said certificate to the secretary of the treasury to be registered in his office, who shall notify the collector, who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

SEC. 14. And be it further enacted, That if any ship or vessel, after having been registered in pursuance of this act, shall in any manner whatever, be altered in form or burthen, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case, such vessel shall be registered anew by her former name in manner herein before directed, as soon as she returns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act, otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

SEC. 15. And be it further enacted, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate, with the number thereof, in a book to be kept for that purpose, and shall within three months transmit to the secretary of the treasury, a true copy, together with the number of every certificate which shall be by him so granted.

SEC. 16. And be it further enacted, That every ship or vessel built within the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign powers, shall be recorded in the office of the collector of the district in which such ship or

vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following: I, [] of [here insert the place of residence, county, and state] shipwright, do swear, or affirm, that [here designate the kind of vessel] named [] having [number of decks] and being in length [] in breadth [] in depth [] and measuring [] tons, having [] gallery and head, was built by me, or under my direction, at [place, county and state] in the United States, in the year [] which oath or affirmation shall be recorded in manner herein before directed, in a book to be kept for that purpose.

SEC. 17. And be it further enacted, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel, in manner following: In pursuance of an act, entitled, "An Act for registering and clearing vessels, regulating the coasting trade, and for other purposes," I, [] collector of the district of [] in the United States, do certify, that the builder [name] of [place of residence, county and state] having sworn or affirmed, that the ship or vessel [here designate the kind of vessel] named [] is at present master, was built at [place, county and state] whereof [] and [here insert the name of the surveyor, or other person appointed by the collector, where there is no surveyor] having no certificate that the said ship or vessel has [number of decks] is in length [] in breadth [] in depth [] and measures [] tons; and the said builder and master having agreed to the said description and measurement, the said ship or vessel has been recorded in the district of [] in the United States. Witness my hand and seal, this [] day of [] in the year [] which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the secretary of the treasury of the United States, to be recorded in his office.

SEC. 18. And be it further enacted, That the surveyor or other persons to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the built, description and measurement of every such ship or vessel, as specified in the form of the said certificate, of record of such ships or vessels, which accounts shall also be signed by the master, to the collector of the district where such certificate of the record shall be granted.

SEC. 19. And be it further enacted, That if the master of the name of any ship or vessel so recorded shall be changed, the owner, part owner or consignee of such ship or vessel shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district where such ship or vessel may be, or at which the shall arrive, if such change take place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the secretary of the treasury of the United States; and in such case, until the said owner, part owner or consignee shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this Act.

SEC. 20. And be it further enacted, That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall on entry of such ship or vessel produce the certificate of such record, to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

SEC. 21. And be it further enacted, That all the penalties and forfeitures inflicted and incurred by this act, shall, and may be sued for, prosecuted and recovered in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred for any offence committed against the United States, in and by an act, entitled "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares, and merchandize, imported into the United States," may legally be sued for, prosecuted, recovered, and disposed of.

SEC. 22. And be it further enacted, That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned and thereafter continuing to be owned by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries be enrolled by the collector of the district where the owner, or one of the owners of such vessel may reside, and every vessel so enrolled, shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act, for registered vessels, and such collector on due proof by oath or affirmation to him made by the owner, or one of the owners of such ship or vessel, of her name, burthen and denomination, and that she is of the description aforesaid, and the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enroll in a book to be kept for that purpose, the name of every such vessel, her burthen, where built and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master are citizens of the United States, a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners, a certificate, containing a copy of such enrolment, and transmit to the secretary of the treasury a copy of every such certificate of enrolment, to be by him recorded: And whenever the property of such ship or vessel shall be changed in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled.

Provided, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel, and of the place to which she belongs, to be painted on her stern in manner directed by this act for registered vessels, and shall annually procure a licence from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond with sufficient security for the payment of two hundred dollars to the United States, with condition that such vessel shall not be employed in any illicit trade or commerce, and before any new licence shall be given for a succeeding year to the master of such vessel, he shall on oath or affirmation, declare that no illicit trade has been carried on in such vessel to his knowledge or belief during the time for which the was licensed.

(The remainder in our next.)

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