

STATUTE I.

July 20, 1840.

Act of May 13,
1800, ch. 61.Jurors of U.S.
courts in each
State to have
like qualifica-
tions, &c.
1841, ch. 38.

CHAP. XLVII.—*An Act to amend the act, approved May thirteenth, eighteen hundred, entitled "An act to amend an act entitled 'An act to establish the judicial courts of the United States.'"* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurors to serve in the courts of the United States, in each State respectively, shall have the like qualifications, and be entitled to the like exemptions, as jurors of the highest court of law of such State now have and are entitled to, and shall hereafter from time to time have and be entitled to, and shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries now practised and hereafter to be practised therein, in so far as such mode may be practicable by the courts of the United States, or the officers thereof; and for this purpose, the said courts shall have power to make all necessary rules and regulations for conforming the designation and empanelling of juries, in substance, to the laws and usages now in force in such State; and further, shall have power, by rule or order, from time to time, to conform the same to any change in these respects which may be hereafter adopted by the Legislatures of the respective States for the State courts.

APPROVED, July 20, 1840.

STATUTE I.

July 20, 1840.

Acts concern-
ing consuls, vol.
1, 254, 690;
vol. 2, 203.
Duplicate list
of crew to be a
fair copy, &c.Owners to ob-
tain a true and
certified copy of
the shipping ar-
ticles, &c.

CHAP. XLVIII.—*An Act in addition to the several acts regulating the shipment and discharge of seamen, and the duties of consuls.* (b)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, As follows:

First. The duplicate list of the crew of any vessel bound on a foreign voyage, made out pursuant to the act of February twenty-eighth, eighteen hundred and three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

(a) An act to amend an act entitled, "An act to amend the act approved May 13, 1800, entitled, 'An act to amend an act to establish the judicial system of the United States;'" March 3, 1841, chap. 38.

An act supplementary to an act, entitled "An act to amend the act approved May 13, 1800, entitled an act to amend an act entitled an act to establish the judicial courts of the United States;" March 19, 1842, chap. 7.

(b) The acts which have been passed relative to seamen in the United States, are:—

An act for the government and regulation of seamen in the merchant service; July 20, 1790, chap. 29.

An act concerning certain fisheries of the United States and for the regulation and government of the fishermen employed therein; expired. February 16, 1792, chap. 6.

An act for the regulation of seamen on board the public and private vessels of the United States; March 3, 1813, chap. 42.

An act to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned; April 12, 1800, chap. 22.

An act for the relief of sick and disabled seamen; July 16, 1798, chap. 77. May 3, 1802, chap. 51.

An act in addition to "An act for the relief of sick and disabled seamen;" March 2, 1799, chap. 36.

An act concerning consuls and vice-consuls; April 14, 1792, chap. 24, sec. 7, 8.

An act supplemental to the act concerning consuls and vice-consuls, and for the protection of American seamen; February 28, 1803, chap. 9, sec. 2, 3, 4.

An act to amend the act, entitled "An act for the government and regulation of seamen in the merchant service;" March 2, 1805, chap. 28.

An act authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels, for bringing back to the United States destitute and distressed American seamen; December 1, 1814, chap. 8.

An act in addition to the several acts regulating the shipment and discharge of seamen, and the duties of consuls; July 20, 1840, chap. 48.

An act making an appropriation for the relief and protection of American seamen in foreign countries; February 12, 1842, chap. 3.

An act for the government of persons in certain fisheries; June 19, 1813, chap. 2.

Third. These documents which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

These to be produced to the consul, &c.; when.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Interlineations, &c.

Fifth. Any consul of the United States, and in case there is none resident at a foreign port, or he is unable to discharge his duties, then any commercial agent of the United States authorized to perform such duties, may, upon the application of both the master and any mariner of the vessel under his command, discharge such mariner, if he thinks it expedient, without requiring the payment of three months' wages, under the provisions of the act of the twenty-eighth of February, eighteen hundred and three, or any other sum of money.

Consul, &c. may discharge mariners without 3 months' wages required by act of 28th Feb. 1803, ch. 9, &c.

Sixth. Any consul, or other commercial agent, may also, on such joint application, discharge any mariner on such terms as will, in his judgment, save the United States from the liability to support such mariner, if the master gives his voluntary assent to such terms, and conforms thereto.

Consuls, &c. may discharge mariners on other terms.

Seventh. When a mariner is so discharged, the officer discharging him shall make an official entry thereof upon the list of the crew and the shipping articles.

Entry to be made of mariners so discharged.

Eighth. Whenever any master shall ship a mariner in a foreign port, he shall forthwith take the list of his crew and the duplicate of the shipping articles to the consul, or person who discharges the duties of the office at that port, who shall make the proper entries thereon, setting forth the contract, and describing the person of the mariner; and thereupon the bond originally given for the return of the men shall embrace each person so shipped.

Consuls, &c. to make an entry of mariners shipped in a foreign port.

Ninth. When any mariner shall complain that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the consul, or other commercial agent performing like duties, may examine into the same by an inspection of the articles of agreement; and if on the face of them he finds the complaint to be well founded, he shall discharge the mariner, if he desires it, and require of the master an advance, beyond the lawful claims of such mariner, of three months' wages, as provided in the act of February twenty-eighth, eighteen hundred and three; and in case the lawful claims of such mariner are not paid upon his discharge, the arrears shall from that time bear an interest of twenty per centum: *Provided, however,* If the consul or other commercial agent shall be satisfied the contract has expired, or the voyage been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay.

Consuls, &c. to examine certain complaints of mariners.

Proviso.

Tenth. All shipments of seamen, made contrary to the provisions of this and other acts of Congress, shall be void; and any seamen so shipped may leave the service at any time, and demand the highest rate of wages paid to any seaman shipped for the voyage, or the sum agreed to be given him at his shipment.

Shipments of seamen contrary to acts of Congress, void.

Eleventh. It shall be the duty of consuls and commercial agents to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully

Consuls, &c. to reclaim deserters, &c.

employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner.

Consul, &c. on complaint that a vessel is in an unsuitable condition to go to sea, shall appoint persons to make an examination, &c.
1850, ch. 27, § 6.

Twelfth. If the first officer, or any officer, and a majority of the crew of any vessel shall make complaint in writing that she 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 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 commercial agent who may discharge any duties of a consul shall appoint two disinterested, competent practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall in their report state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

Power and duty of the inspectors.

Duty of the consul, &c.

Thirteenth. The inspectors so appointed shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require, and if, upon a view of the whole proceedings, the consul, or other commercial agent shall be satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval, and if he dissents, shall also certify his reasons for so dissenting.

Inspectors to state whether the vessel was sent to sea unsuitably provided, &c.

Duty of the consul, &c.

Fourteenth. 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 consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; 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; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to the pay up to the time of discharge.

Charges how to be paid, &c.

Fifteenth. The master shall pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the consul or other commercial agent, but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or other commercial agent directing the inquiry may officially certify.

Crews of vessels to have the fullest liberty to lay their complaints before the consul, &c.

Sixteenth. The crew of any vessel shall have the fullest liberty to lay their complaints before the consul or commercial agent in any foreign port, and shall in no respect be restrained or hindered therein by the master or any officer, unless some sufficient and valid objection exist against their landing; in which case, if any mariner desire to see the consul or commercial agent, it shall be the duty of the master to acquaint him with it forthwith; stating the reason why the mariner is not permitted to land, and that he is desired to come on board; whereupon it shall be the duty of such consul or commercial agent to repair on board and inquire into the causes of the complaint, and to proceed thereon as this act directs.

Apprehended deserters.

Seventeenth. In all cases where deserters are apprehended, the consul or commercial agent shall inquire into the facts; and, if satisfied

that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.

Eighteenth. If any consul or commercial agent shall neglect or omit to perform, seasonably, the duties hereby imposed upon him, or shall be guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be liable to indictment, and, on conviction by any court of competent jurisdiction, shall be fined not less than one nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

Consuls, &c. for neglect of the duties hereby imposed, &c.

Nineteenth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this act, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby, in damages, and shall, in addition thereto, be liable to pay a fine of one hundred dollars for each and every offence, to be recovered by any person suing therefor in any court of the United States in the district where such delinquent may reside or be found.

Masters of vessels, for violations of this act, &c.

Twentieth. It shall be the duty of the boarding officer to report all violations of this act to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the attorney of the United States in his district.

Violations of this act to be reported.

Twenty-first. This act shall be in force from and after the first day of October next; and shall not apply to vessels which shall have sailed from ports of the United States before that time.

Limitation.

APPROVED, July 20, 1840.

CHAP. XLIX. — *An Act to annex a certain tract of land to the Coosa land district, and for other purposes.*

STATUTE I.

July 20, 1840.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such part of township twenty-two, of range two, east, northern survey, State of Alabama, as lies east of the Coosa river, and was ceded to the United States by the Creek nation of Indians, by a treaty concluded on the ninth day of August, eighteen hundred and fourteen, be, and the same is hereby annexed to the Coosa land district; and all surveys, sales, and other proceedings heretofore had in reference to said tract hereby annexed as aforesaid, shall be as valid as they would have been had the same, at the time such proceedings were had, formed a part of said district, and no farther.

Certain land annexed to the Coosa land district.

Surveys, sales, &c. valid, how far.

APPROVED, July 20, 1840.

CHAP. L. — *An Act to provide for the support of the Military Academy for the year eighteen hundred and forty.*

STATUTE I.

July 20, 1840.

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, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and forty, viz.:

For pay of officers, cadets, and musicians, fifty-nine thousand two hundred and twenty-eight dollars;

Pay.