

apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner.(a)

Penalty on the master for default.

SEC. 9. *And be it [further] enacted*, That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.(b)

Act of March 2, 1805, ch. 28. Ships, &c. bound across the Atlantic, what supply of provisions and water shall be laid in.

Penalty for short allowance of provisions and water.

APPROVED, July 20, 1790.

STATUTE II.

CHAP. XXX.—*An Act imposing duties on the tonnage of ships or vessels.*

July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States at the rate of six cents per ton: on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton: on other ships or vessels at the rate of fifty cents per ton.(c)

Tonnage duty on ships or vessels of U. States,

on those of foreigners;

on all others.

SEC. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton, shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one state from a district in another state, other than an ad-

On ships or vessels of the U. States, trading between district and district.

(a) The act of Congress of July 20, 1790, for the government and regulation of seamen in the merchant service, has not changed the maritime law, except, perhaps, so far as respects medicines and medical advice, when there is a proper medicine chest, and medical directions on board the vessel. The charges for nursing and lodging are not affected by the act. *Harden v. Gordon et al.*, 2 Mason, 541.

The expense of curing a sick seaman, in the course of a voyage, is a charge on the ship by the maritime law. *Ibid.*

The onus probandi in respect to the sufficiency of the medicine chest, lies on the owner, in an action by the seamen for wages. *Ibid.*

A stipulation that the seamen shall pay for medical advice and medicine, without any condition that there shall be a suitable medicine chest, &c., is void as contrary to the act of Congress. *Ibid.*

When a seaman at a foreign port, contracts an ordinary disease, without any fault of his own, and remains on board a vessel which is properly provided with a medicine chest, the expense of a physician, if necessary for the safety of his life is to be deducted from his wages. *Holmes v. Hutchinson*, Gilpin's Rep. 448.

(b) In reference to the claims of seamen for "short allowance," it was decided that the navy rations furnish a rule by which the allowance to seamen shall be determined. That when the articles mentioned in the act of Congress can be procured, no substitute shall be allowed; but it is otherwise if they cannot be obtained. The ship *Washington*, 1 Adm. Decisions, 219.

The provisions of the act of Congress relative to short allowance, do not apply to seamen shipped while the ship is at a foreign port. *Ibid.*

(c) See act of March 3, 1815, obsolete; act of April 20, 1818, obsolete; act of March 3, 1819, obsolete.

joining state on the sea-coast, or on a navigable river, having on board goods, wares and merchandise taken in one state to be delivered in another state: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, whilst employed therein, more than once a year. (a)

On ships or vessels not of U. States, trading between district and district.

Payment of foreign tonnage heretofore exacted on certain vessels of the U. States, employed in coasting trade and fisheries.

Restitution to be made for.

Act of 1789, ch. 11. sec. 23.

See acts of 1799, ch. 22, sec. 63, 64.

1802, ch. 45, sec. 8.

Not demandable in future.

Repeal of former act.

1789, ch. 3.

SEC. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which after the said first day of September next, shall be entered in one district from another district, having on board goods, wares and merchandise taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas it is declared by the twenty-third section of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience:

SEC. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

SEC. 5. *And be it further enacted*, That the act, intituled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

APPROVED, July 20, 1790.

STATUTE II.

July 22, 1790.

CHAP. XXXI.—*An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian tribes.*

[Expired.]
\$20,000 arising from imports and tonnage, appropriated.

1789, ch. 10.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the balance unexpended, of the sum of twenty thousand dollars, appropriated by the act, intituled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same," a farther sum, not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated for defraying the expenses of negotiating, and holding a treaty or treaties, and for promoting a friendly intercourse, and preserving peace with the Indian tribes.

APPROVED, July 22, 1790.

(a) The acts imposing duties on the tonnage of domestic ships or vessels, have been:

Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

Tonnage duties on foreign ships.—Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31, sec. 6; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.