

★ 331. Certain fees abolished.—

The Commissioner of Navigation, commenting on this section, says:

"The words 'and bond' in line 7 should be omitted, as bonds were abolished by the Act of January 16, 1895. The words 'recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title;' in lines 11, 12, 13, and 14, should be omitted. Subsection 1 of section 30 of the Merchant Marine Act of June 5, 1920, sections 926 and 927 of this title, provides fees for recording these instruments. The word 'or' in the fourteenth line should be 'of' so that the phrase will read 'certificate of protection to seamen.'"

333. Posting table of fees.—

This section was derived from R. S. § 4383 cited thereto. Act Sept. 21, 1922, also cited thereto, was authority for the substitution of the words "Comptroller of Customs" for "naval officers" which latter words were used in R. S. § 4383. Act Sept. 21, 1922, was repealed by Act June 17, 1930, c. 497, § 651 (a) (1), 46 Stat. 762, but § 523 of said Act of June 17, 1930, provides that "naval officers of customs in office September 22, 1922, and their successors shall continue to be known as Comptrollers of Customs."

Chapter 13.—PASSPORTS AND PAPERS OF VESSELS ENGAGED IN FOREIGN COMMERCE.

Section 351. Passports of United States vessels on departure to foreign country.—

This section appears to be obsolete. The use of passports was discontinued by presidential proclamation on Apr. 10, 1815.

352. Penalty for departing without passport.—

This section appears to be obsolete. The use of passports was discontinued by presidential proclamation on Apr. 10, 1815.

353. Passports of unregistered vessels.—

This section appears to be obsolete. The use of passports was discontinued by presidential proclamation on Apr. 10, 1815.

354. Deposit of ship's papers with consul.—

This section so far as it relates to sea letters and passports appears to be obsolete. The use of sea letters and passports were discontinued by presidential proclamation on Apr. 10, 1815.

The words "Mediterranean passport" in lines 4 and 5 of this section are obsolete and should be deleted.

355. Penalty for failure.—

This section so far as it relates to sea letters and passports appears to be obsolete. The use of sea letters and passports were discontinued by presidential proclamation on Apr. 10, 1815.

Chapter 14.—INSPECTION OF STEAM VESSELS.

By Act June 30, 1932, c. 314, §§ 501-504 (sections 507a to 507d of Title 5), the Secretary of Commerce was authorized and directed to consolidate and coordinate the Steamboat Inspection Service and the Bureau of Navigation of the Department of Commerce in a bureau in such department to be known as the Bureau of Navigation and Steamboat Inspection, to be under the direction of a chief of bureau who shall be appointed by the Secretary of Commerce.

VESSELS SUBJECT TO INSPECTION AND REGULATION

★ Section 361. What are steam vessels.—

The Commissioner of Navigation, commenting on this section, says:

"The last line should be 'and sections 214, 215, and 222.'"

★ 362. Vessels subject to provisions of chapter; reciprocal acceptance of foreign certificates of inspection; fees.—

The Commissioner of Navigation, commenting on this section, says:

"The last line of the first paragraph should be 'and sections 214, 215, and 222.'"

★ 363. United States Shipping Board Vessels.—

The Commissioner of Navigation, commenting on this section, says:

"The fifth line should read 'and sections 214, 215, and 222 for the regulation of steam vessels.'"

★ 365. Vessels navigating Ironquoit Bay.—

The Commissioner of Navigation, commenting on this section, says:

"The third line after the word 'chapter' should be 'and sections 214, 215, and 222.'"

APPOINTMENT, QUALIFICATIONS, DUTIES, AND SALARIES OF INSPECTORS AND OTHER OFFICERS

★ 371. Supervising Inspector General and Deputy Supervising Inspector General.—

"of \$5,000 a year" in line 8 of this section and "of \$3,000 per year" in last line should be omitted by authority of §§ 661 to 674 of Title 5.

★ 382. Local inspectors; number and salaries; assistants and clerks; traveling expenses.—

"Inspection" in line 10 from end of this section should be "inspectors."

382a. Local inspectors at Hoquiam, Washington; creation of board.—A board of local inspectors, Steamboat Inspection Service, consisting of a local inspector of hulls and a local inspector of boilers, be, and is hereby, created at the port of Hoquiam, Washington. Such inspector of hulls and inspector of boilers shall each be entitled, in addition to his authorized pay and traveling allowances, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce. (May 22, 1928, c. 684, 45 Stat. 710.)

The Act cited to the text was entitled "An Act to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Washington."

MODE, MANNER, AND EXTENT OF INSPECTION; CERTIFICATES; RECORDS

★ 394. Amount of steam pressure allowed freight boats on Mississippi.—

It is the opinion of the Department of Commerce that this section should be omitted as having been repealed in effect by that part of § 392 of this title reading as follows:

"All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of section 408, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam power allowed."

★ 404. Inspection of ferryboats, canal boats, and small craft; regulations; licenses.—

The Commissioner of Navigation, commenting on this section, says:

"The twentieth line should be 'section 214, 215, or 222.' There should be the additional reference January 18, 1807, c. 61, section 1, 29 Stat. 480."

★ 405. Tugboats and freight boats.—

"of" in line 5 of this section, preceding "workmanship," should read "or."

PROCEDURE; DECISIONS AND REVIEW THEREOF

★ 440. Payment of witnesses.—The disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness, summoned under section 239 of this title, for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any district courts of the United States. (R. S. § 4451; June 19, 1886, c. 421, § 1, 24 Stat. 79; Apr. 4, 1888, c. 61, § 2, 25 Stat. 80; Mar. 4, 1913, c. 142, § 1, 37 Stat. 785.)

This section was incompletely stated as set out in the Code.

Chapter 15.—TRANSPORTATION OF PASSENGERS AND MERCHANDISE BY STEAM VESSELS.

Section 472. Fire extinguishers.—

"wharf" in next to last line of this section should be "wharf."

★ 473. Steering, navigating, and signaling apparatus.—

"signaling" in line 4 of this section should be "signalizing."

★ 481. Regulations as to life-saving appliances on ocean, lake, and sound steamers and foreign vessels.—

Under the heading REGULATIONS, page 1501, in the first and second brackets after the words "Well deck" there should be semi-colons. In the fourth paragraph from the bottom of page 1503 the words "the areas corresponding to the two ends of the boat are considered negligible" should be in parentheses.

Chapter 16.—REGULATION OF MOTOR BOATS.

★ Section 520. Regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors.—

The Commissioner of Navigation, commenting on this section, says:

"The Act of January 18, 1897, chapter 61, 29 Stat. 489, is an amendment to R. S. § 4420, and R. S. § 4420 was again amended by the Act of March 3, 1905, chapter 1457, section 4, 33 Stat. 1020, and again by the Act of May 18, 1906, chapter 2100, 34 Stat. 193. R. S. § 1126 as amended by the various acts of Congress is correctly stated in section 404 of Title 40, so that section 520 should be omitted."

Chapter 17.—REGULATION OF FISHERIES.

★ Section 533. Recovery of shares of fish under agreement.—

"demandments" in the fourth line from the bottom of this section should read "demandants."

Chapter 18.—MERCHANT SEAMEN.

SHIPPING COMMISSIONERS

★ Section 541. Appointment; accounts; expenditures; compensation; clerks.—

The Commissioner of Navigation, commenting on this section, says:

"The words 'all fees of shipping commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of Commerce to pay the compensation of said commissioners and other clerks and such other expenses as he may find necessary to insure the proper administration of their duties' should be omitted. The authority for collecting fees by shipping commissioners was repealed by section 1 of the Act of June 19, 1880, chapter 421, 24 Stat. 79. The statement quoted is therefore obsolete."

★ 542. Bond and oath.—

The Commissioner of Navigation, commenting on this section, says:

"The proviso in this section is obsolete and should be omitted."

★ 542a. Demanding or receiving remuneration for supplying seamen for merchant vessels; penalty.—Every shipping commissioner, and every clerk or employee in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessels, shall for every such offense, be liable to a penalty of not more than \$200. (R. S. § 4595.)

This section was omitted from the code.

The words "excepting the lawful fees payable under this Title" have been omitted by virtue of Act June 19, 1880, c. 421, § 1, 24 Stat. 79, abolishing fees.

★ 544. Vessels in coastwise trade.—

The Act mentioned at the beginning of this section is Act June 7, 1872, c. 322, 17 Stat. 262.

★ 546. Penalty for personating shipping commissioner.—

The Commissioner of Navigation, commenting on sections 543, 543, 544, and 546, says: "For the sake of uniformity [these sections] should read either 'Mexico,' 'Republic of Mexico,' or 'United Mexican States.' The State Department informs this office that the official title of the country is 'United Mexican States.'"

SHIPMENT OF CREW

561. Apprentices.—

The Commissioner of Navigation, commenting on this section, says: "The word 'have' in the eighth line in the statute but should be 'has' if you desire the sentence to be grammatical."

★ 563. Shipment of crews by shipping commissioners; shipping agreements.—

See note to § 546.

★ 564. Shipping articles.—

See note to § 546.

★ 573. Voyage or term of seamen shipped in foreign port; reshipment; bond.—

The Commissioner of Navigation, commenting on this section, says: "The words 'or to give bond, to produce said seaman [as required by R. S. § 4570] before a boarding officer on the return of said vessel to the United States' should be omitted. These words were in the original R. S. § 4570 but are not included in that section as amended [see § 077 of this title]. The reference, March 3, 1897, section 3, 29 Stat. 688, should be added."

★ 576. Penalty for omitting to begin voyage.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts' should appear in section 576."

★ 579. Report of returns of collectors and foreign agents.—

The Commissioner of Navigation, commenting on this section, says: "The citation, March 3, 1897, c. 389, section 16, 29 Stat. 691, should be omitted as it has no reference to R. S. § 297."

WAGES OF SEAMEN

★ 593. Termination of wages by loss of vessel; transportation to place of shipment.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts' should appear in section 593."

★ 596. Time for payment.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts but shall apply to all vessels engaged in the taking of oysters' should appear in section 596."

★ 597. Payment at ports.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts' should appear in section 597."

Comma in line 10 of this section between "in" and "five" should be omitted.

★ 599. Advances and allotments.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts but shall apply to all vessels engaged in the taking of oysters' should appear in section 599."

★ 603. Summons for nonpayment.—

"of a district court" in line 9 of this section should be omitted.

★ 604. Libel for wages.—

The Commissioner of Navigation, commenting on this section, says: "The statement 'This section shall not apply to fishing or whaling vessels or yachts but shall apply to all vessels engaged in the taking of oysters' should appear in section 604."

EFFECTS OF DECEASED SEAMEN

★ 622. Proceedings in regard to effects.—

The Commissioner of Navigation, commenting on this section, says: "The word 'they' in the paragraph marked Fourth which is in the statute, should be 'he' to be grammatical and the word 'respectively' should be omitted."

DISCHARGE

★ 646. Discharge of crews in coast trade.—

See note to § 546.