

May 28, 1908.
[S. 6805.]

[Public, No. 151.]

Alaska.
Development of
coal deposits in.
Consolidation of
claims, etc., permit-
ted.
Limit of acreage.

Proviso.
Restriction.

Preference right to
purchase product for
Army and Navy re-
served.

Price fixed by the
President.
Litigation.

Unlawful trust, etc.,
forbidden.

Forfeiture.

Patents.

CHAP. 211.—An Act To encourage the development of coal deposits in the Territory of Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November twelfth, nineteen hundred and six, or in accordance with circular of instructions issued by the Secretary of the Interior May sixteenth, nineteen hundred and seven, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed two thousand five hundred and sixty acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated and for this purpose such persons, their heirs or assigns, may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided,* That no corporation shall be permitted to consolidate its claims under this Act unless seventy-five per centum of its stock shall be held by persons qualified to enter coal lands in Alaska.

SEC. 2. That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this Act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

SEC. 3. That if any of the lands or deposits purchased under the provisions of this Act shall be owned, leased, trusteeed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of two thousand five hundred and sixty acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose.

SEC. 4. That every patent issued under this Act shall expressly recite the terms and conditions prescribed in sections two and three hereof.

Approved, May 28, 1908.

May 28, 1908.
[H. R. 21815.]

[Public, No. 152.]

Navigation laws.
Entry, etc.

Vessels making tri-
weekly trips ex-
empt from fees.
R. S., sec. 2792, p. 541,
amended.

CHAP. 212.—An Act To amend the laws relating to navigation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-seven hundred and ninety-two of the Revised Statutes be, and is hereby, amended by adding thereto, thirty days after the passage of this Act, the following:

“Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained.”

SEC. 2. That section forty-four hundred and thirty-eight of the Revised Statutes is hereby amended to read as follows sixty days after the passage of this Act:

“SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.”

SEC. 3. That section forty-four hundred and sixty-seven of the Revised Statutes is hereby amended to read as follows:

“SEC. 4467. The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however,* That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: *Provided further,* That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports.”

SEC. 4. That section forty-four hundred and sixty-eight of the Revised Statutes is hereby amended to read as follows:

“SEC. 4468. Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of one hundred dollars.”

SEC. 5. That whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this Act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper: *Provided,* That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February fifth, eighteen hundred and ninety-seven.

Licensed officers.

Licenses of masters, etc., modified. R. S., sec. 4438, p. 859, amended. Vol. 34, p. 864.

Sail vessels.

Penalty for violations.

Count of passengers required. R. S., sec. 4467, p. 864, amended.

Provisos. List required on seagoing, etc., steamers.

Foreign trade not affected.

Penalty for failure. R. S., sec. 4468, p. 865, amended.

Yachts. Reciprocal exemption of foreign, from tonnage, etc., fees. R. S., sec. 4216, p. 812.

Licenses.

Limitations, etc.

Proviso. Foreign yachts owned, etc., by citizens excluded.

R. S., sec. 4216, p. 812,
repealed.

SEC. 6. That section forty-two hundred and sixteen of the Revised Statutes is hereby repealed.

Private signals.

SEC. 7. That thirty days after the passage of this Act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

Registry, etc., per-
mitted.

New York Harbor.
Vol. 28, p. 360,
amended.

SEC. 8. That section three of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same hereby is, amended so as to read as follows, sixty days after the passage of this Act:

Vol. 25, p. 209.
Injurious deposits
forbidden.

"SEC. 3. That section three of the Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, approved June twenty-ninth, eighteen hundred and eighty-eight, shall be, and hereby is, amended so as to read as follows:

Supervisor to desig-
nate place of deposits.

"SEC. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

Permits.
Deposits elsewhere
prohibited.

Penalty for proceed-
ing without license.

Punishment for dis-
charging at unauthor-
ized place.

"And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or

Persons liable.

Liability of owners,
etc.

Vol. 25, p. 209.

boats of any kind whatsoever shall operate to release the owners and master and employees of scows and towboats from the penalties hereinbefore mentioned.

“Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and three feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life-preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than two hundred and seventy-five pounds, and at least one hundred feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than five hundred dollars.

“The supervisor of the harbor of New York, designated as provided in section five of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

“First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the Act of June twenty-ninth, eighteen hundred and eighty-eight, aforesaid, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

“Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in this section of this Act, or otherwise violating any of the provisions of this section of this Act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

“Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

“Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this Act and of the Act aforesaid.

“Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to

Boats to have name, etc., painted.

Life lines, etc., required.
Post, p. 623.

List of employees.

Penalty for failure.

Inspectors authorized.
Vol. 25, p. 210.

Duties.

Arrests.

Provisos.
Process.

Custody of offender.

Seizure of boats.

Custody of witness.

Accompanying towboats.

Inspecting gas, etc., works.

believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section one of the aforesaid Act of June twenty-ninth, eighteen hundred and eighty-eight.

Penalty for bribery.

“Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of this section or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, shall, on conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned not less than six months nor more than one year.

Return of permits.

“Every permit issued in accordance with the provisions of this section of this Act, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than five hundred dollars nor less than one hundred dollars.”

Indorsement.

Penalty.

Inspectors of hulls and boilers.
R. S., sec. 4414, p. 854, amended.
Vol. 33, p. 1026.
Honolulu and San Juan, P. R., added.

SEC. 9. That section forty-four hundred and fourteen of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words “and Burlington, Vermont,” and before the words “one inspector of hulls,” the words “Honolulu, Hawaii, and San Juan, Porto Rico;” and that the said section be further amended by inserting in the fifth paragraph thereof, after the words “and Norfolk, Virginia,” and before the words “at the rate of two thousand dollars,” the words “Honolulu, Hawaii, and San Juan, Porto Rico.”

Seagoing barges.
Annual inspection to be made.

SEC. 10. That on and after January first, nineteen hundred and nine, the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of one hundred gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections forty-four hundred and twenty-one and forty-four hundred and twenty-three of the Revised Statutes.

Certificates.
R. S., secs. 4421, 4423, p. 857.

Life-saving appliances required.

SEC. 11. That every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life-preserver for each person on board.

Requirements before registry, etc.

SEC. 12. That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section ten and on board the equipment prescribed by section eleven.

Penalty for violations.

SEC. 13. That if any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section eleven, the owner shall be liable to a penalty of five hundred dollars for each offense.

Towing vessels in inland waters.
Regulations for hawsers, etc., to be prepared.

SEC. 14. That the chairman of the Light-House Board, the Supervising Inspector-General of the Steamboat-Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce and Labor shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the

inland waters of the United States designated and defined from time to time pursuant to section two of the Act approved February nineteenth, eighteen hundred and ninety-five, and such regulations when approved by the Secretary of Commerce and Labor shall have the force of law.

SEC. 15. That the master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section fourteen in the manner now prescribed for incompetency, misconduct, or unskillfulness.

Approved, May 28, 1908.

Vol. 28, p. 672.
Enforcement.

Penalty for violation by master.

CHAP. 213. An Act Authorizing the Secretary of War to remove certain obstructions to navigation from the main ship channel, Key West Harbor, Florida, and for other purposes.

May 28, 1908.
[H. R. 22009.]

[Public, No. 158.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to remove, or cause to be removed, certain reefs from the main ship channel, Key West Harbor, Florida, mentioned in a report made by Lieutenant L. H. Beach to the Secretary of War on February first, nineteen hundred and eight, and the sum of five thousand dollars of the amount heretofore appropriated for improving the harbor at Key West and entrance thereto under the river and harbor Act approved March second, nineteen hundred and seven, or so much of said sum of five thousand dollars as may be necessary, is hereby made available for such purpose.

Harbors, etc.
Key West Harbor,
Fla.
Removal of obstructions from main ship channel.

Vol. 34, p. 1086.

SEC. 2. That the unexpended balance of the amount heretofore appropriated for the improvement of Chicago Harbor, or so much thereof as may be deemed advisable, be, and the same is hereby, made available, in the discretion of the Secretary of War, for expenditure on the existing project for the Chicago River.

Chicago River.
Unexpended balance.
Vol. 34, p. 1102.

SEC. 3. That so much as may be necessary of the amount heretofore appropriated, or authorized to be appropriated, for the maintenance of the South Pass of the Mississippi River, or for examinations and surveys of the South Pass of the Mississippi River, or for the improvement of the Southwest Pass of the Mississippi River, may, in the discretion of the Secretary of War, on the recommendation of the Chief of Engineers, United States Army, be used in dredging shoals in the said river between Cubits Gap and the Head of the Passes whenever it may become necessary to secure a depth of channel through said shoals of thirty-five feet, with a practical width.

Mississippi River,
South Pass.
Dredging shoals.
Vol. 34, p. 739.

SEC. 4. That the Secretary of War may, in his discretion, apply the whole or any part of the unexpended balance of the amount heretofore appropriated for the improvement of the Duluth-Superior Harbor, Minnesota, to dredging inside the Duluth entrance thereto, as recommended in House Document Numbered Two hundred and twenty-one, Sixtieth Congress, first session.

Duluth-Superior
Harbor, Minn.
Dredging.
Vol. 34, p. 738.

SEC. 5. That the provision in the river and harbor Act approved March second, nineteen hundred and seven, relating to the construction of the Sandy Lake Reservoir Dam, Minnesota, is hereby amended by striking out the words "without a lock for steamboats."

Sandy Lake Reservoir
Dam, Minn.
Vol. 34, p. 1105,
amended.

SEC. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend and to enter into a contract or contracts for the expenditure of so much as may be necessary of the amount heretofore appropriated, or authorized to be appropriated, for the improvement of the harbor at Milwaukee, Wisconsin, for the improvement of the Kinnickinnick River, or any part thereof inside the harbor, as heretofore provided by law, whenever and as soon as the city of Milwaukee shall have complied with the provisions set

Milwaukee, Wis.
Improvement of
Kinnickinnick River.