

Proviso.

Survey for improvement of navigation of Rock river.

Survey of Des Moines and Iowa rivers.

A railroad from Milwaukee to Dubuque.

Provided always, That nothing contained in this act shall be so construed as to imply that the United States are pledged or in any manner bound to make any appropriation in future, to make, or construct, said roads, or any part or portion of them. For the survey, with the view to the improvement of the navigation of Rock river, from the Illinois line, as far up the same as the contemplated point of intersection with the Milwaukee and Rock river canal, and also of the Haven of the said river, next below Lake Kushkenong to Madison, the seat of Government of the Territory of Wisconsin, a sum not exceeding one thousand dollars. For the survey of the Des Moines and Iowa rivers, with a view to the improvement of their navigation, a sum not exceeding one thousand dollars. For a survey and estimate of the cost of a railroad from Milwaukee to Dubuque, a sum not exceeding two thousand dollars.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CXCI.—*An Act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.* (a)

Owners of steamboats to make a new enrolment and take out a new license.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

Shall not transport goods, &c. or passengers, without a new license.

SEC. 2. *And be it further enacted*, That it shall not be lawful for the owner, master, or captain of any steamboat or vessel propelled in whole or in part by steam, to transport any goods, wares, and merchandise, or passengers, in or upon the bays, lakes, rivers, or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight; without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one-half for the use of the informer; and for which sum or sums the steamboat or vessel so engaged shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence.

Penalty for violation of this section.

How recoverable.

District judge to appoint persons to inspect the boilers and machinery.

SEC. 3. *And be it further enacted*, That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes, and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, who shall not be interested in the manufacture of steam engines, steamboat boilers, or other machinery belonging to steam vessels, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection;

Their qualifications and duties.

(a) An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions; June 28, 1838, chap. 147.

An act to modify the act entitled, "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838; March 3, 1843, chap. 94.

such persons, before entering upon the duties enjoined by this act, shall make and subscribe an oath or affirmation before said district judge, or other officer duly authorized to administer oaths, well, faithfully, and impartially to execute and perform the services herein required of them.

SEC. 4. *And be it further enacted,* That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and in all respects seaworthy, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection, the sum of five dollars.

Inspectors of the hulls to give the owners or masters a certificate, stating the age of the boat, &c.

Also a certificate as to the soundness of the vessel.
Fee for inspection.

SEC. 5. *And be it further enacted,* That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which he or they shall state his or their opinion whether said boilers are sound and fit for use, together with the age of said boilers; and duplicates thereof shall be delivered to the owner or master of such vessel, one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be posted up, and kept in some conspicuous part of said boat, for the information of the public; and for each and every inspection so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of five dollars.

Inspectors of the boilers to make a certificate as to the soundness, &c. of said boilers.

Duplicates of said certificate to be given to the master or owner, &c.

Fee for inspection.

SEC. 6. *And be it further enacted,* That it shall be the duty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act to be made at least once in every twelve months; and the examination required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where his boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner. And it shall be the duty of the owners and masters of the steamboats licensed in pursuance of the provisions of this act to employ on board of their respective boats a competent number of experienced and skilful engineers, and, in case of neglect to do so, the said owners and masters shall be held responsible for all damages to the property of any passenger on board of any boat occasioned by an explosion of the boiler or any derangement of the engine or machinery of any boat.

Hulls to be inspected, how often.

Boilers inspected, how often.

Penalty.

Competent number of experienced and skilful engineers to be employed.

Penalty for failing to do so.

SEC. 7. *And be it further enacted,* That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he or they shall open the safety-valve, so as to keep the steam down in said boiler as near as practicable to what it is when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

Safety-valve to be opened when the vessel stops for any purpose whatever.

Penalty.

SEC. 8. *And be it further enacted,* That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, at sea or on the Lakes, Champlain, Ontario, Erie, Huron, Superior, and Michigan, the tonnage of which vessel shall

Long-boats or yawls, when and where to be carried by steam-vessels.

not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls, of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

Penalty.

Vessels at sea or on the lakes aforesaid to carry suction-hose, fire engine, &c.

Iron rods or chains to be used instead of wheel or tiller ropes.

Penalty.

Signal lights to be carried by vessels running at night.

Penalty.

How all penalties shall be recovered.

Any person employed on board a boat in which life or lives are lost by inattention, &c. shall be guilty of manslaughter.

Punishment.

What shall be sufficient evidence to charge the defendant, in case of the bursting of a boiler, &c.

SEC. 9. *And be it further enacted*, That it shall be the duty of the master and owner of every steam vessel employed on either of the lakes mentioned in the last section, or on the sea, to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and that iron rods or chains shall be employed and used in the navigating of all steamboats, instead of wheel or tiller ropes; and for a failure to do which, they, and each of them, shall forfeit and pay the sum of three hundred dollars.

SEC. 10. *And be it further enacted*, That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to carry one or more signal lights, that may be seen by other boats navigating the same waters, under the penalty of two hundred dollars.

SEC. 11. *And be it further enacted*, That the penalties imposed by this act may be sued for and recovered in the name of the United States, in the district or circuit court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one-half to the use of the informer, and the other to the use of the United States; or the said penalty may be prosecuted for by indictment in either of the said courts.

SEC. 12. *And be it further enacted*, That every captain, engineer, pilot, or other person employed on board of any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel may be destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court in the United States, shall be sentenced to confinement at hard labor for a period not more than ten years.

SEC. 13. *And be it further enacted*, That in all suits and actions against proprietors of steamboats, for injuries arising to person or property from the bursting of the boiler of any steamboat, or the collapse of a flue, or other injurious escape of steam, the fact of such bursting, collapse, or injurious escape of steam, shall be taken as full prima facie evidence, sufficient to charge the defendant or those in his employment, with negligence, until he shall show that no negligence has been committed by him or those in his employment.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CXII. — *An Act to establish a criminal court in the District of Columbia.* (a)

Court to be established in the District of Columbia for the trial of crimes.

To be composed of one judge, and styled the criminal court of the D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this law, a court shall be established in the District of Columbia, for the trial of all crimes and offences against the laws now in force in the said District, and such as may be hereafter enacted, to be composed of one judge, to be appointed by the President of the United States, by and with the consent of the Senate, and to receive, as compensation for his services, an annual salary of two thousand dollars,

(a) An act to amend "An act to establish a criminal court in the District of Columbia;" February 20, 1839, chap. 31.