

CHAP. XLII. — *An Act to amend an Act entitled "An Act allowing Compensation to the Members of the Senate, Members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other Laws on that Subject."* (a)

March 3, 1851.

*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 act, no member of the Senate shall be entitled to receive compensation for his attendance at the Senate, in the recess of Congress, during such meeting of the Senate as may be called on the fourth day of March, eighteen hundred and fifty-three, and on the fourth day of March in every fourth year thereafter, other than the eight dollars per diem for attendance, now allowed by law: *Provided,* That this act shall not apply to a senator, not a member of either house of Congress at the expiration of the Congress preceding such called session of the Senate.

No senator to receive mileage for the session commencing March 4, 1853, and every four years thereafter, if he was a member of Congress in the preceding session.

APPROVED, March 3, 1851.

CHAP. XLIII. — *An Act to limit the Liability of Ship-Owners, and for other Purposes.* (b)

March 3, 1851.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no owner or owners of any ship or vessel shall be subject or liable to answer for or make good to any one or more person or persons any loss or damage which may happen to any goods or merchandize whatsoever, which shall be shipped, taken in, or put on board any such ship or vessel, by reason or by means of any fire happening to or on board the said ship or vessel, unless such fire is caused by the design or neglect of such owner or owners: *Provided,* That nothing in this act contained shall prevent the parties from making such contract as they please, extending or limiting the liability of ship-owners.

Owners not liable for damage by fire not caused by their neglect.

Parties may vary their liabilities by contract.

SEC. 2. *And be it further enacted,* That if any shipper or shippers of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds or other precious stones, shall lade the same on board of any ship or vessel, without, at the time of such lading, giving to the master, agent, owner or owners of the ship or vessel receiving the same, a note in writing of the true character and value thereof, and have the same entered on the bill of lading therefor, the master and owner or owners of the said vessel shall not be liable, as carriers thereof, in any form or manner. Nor shall any such master or owners be liable for any such valuable goods beyond the value and according to the character thereof so notified and entered.

Owners not liable for certain valuable articles, unless notice is given, &c.

Limit of liability in case of such notice.

SEC. 3. *And be it further enacted,* That the liability of the owner or owners of any ship or vessel, for any embezzlement, loss, or destruction, by the master, officers, mariners, passengers, or any other person or persons, of any property, goods, or merchandize, shipped or put on board of such ship or vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner or owners respectively, in such ship or vessel, and her freight then pending.

Liability of owners for certain losses not to exceed the value of their interest in the vessel.

SEC. 4. *And be it further enacted,* That if any such embezzlement,

(a) For previous acts on the subject, see note in vol. i. p. 70, and Stat. 1850, ch. 90.

(b) See the case of *New Jersey Steam Navigation Co. v. Merchants Bank*, 6 Howard, R. 344.

Proceedings where there are several shippers, and the loss exceeds the value of the ship and her freight.

Owner may abandon his interest to a trustee appointed by court for the benefit of the losers.

Charterers, in certain cases, to be deemed the owners.

Remedies against masters, &c., for misconduct, &c., not taken away.

Penalty for shipping oil of vitriol, &c., without giving notice.

Act not to apply to canal boats, &c., or to vessels employed in river navigation.

loss, or destruction, shall be suffered by several freighters or owners of goods, wares, or merchandize, or any property whatever, on the same voyage, and the whole value of the ship or vessel, and her freight for the voyage, shall not be sufficient to make compensation to each of them, they shall receive compensation from the owner or owners of the ship or vessel, in proportion to their respective losses; and for that purpose the said freighters and owners of the property, and the owner or owners of the ship or vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner or owners of the ship or vessel may be liable amongst the parties entitled thereto. And it shall be deemed a sufficient compliance with the requirements of this act, on the part of such owner or owners, if he or they shall transfer his or their interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person or persons who may prove to be legally entitled thereto, from and after which transfer, all claims and proceedings against the owner or owners shall cease.

SEC. 5. *And be it further enacted*, That the charterer or charterers of any ship or vessel, in case he or they shall man, victual and navigate such vessel at his or their own expense, or by his or their own procurement, shall be deemed the owner or owners of such vessel within the meaning of this act; and such ship or vessel, when so chartered, shall be liable in the same manner as if navigated by the owner or owners thereof.

SEC. 6. *And be it further enacted*, That nothing in the preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or mariners, for or on account of any embezzlement, injury, loss, or destruction of goods, wares, merchandize, or other property, put on board any ship or vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or mariners, respectively, nor shall any thing herein contained lessen or take away any responsibility to which any master or mariner of any ship or vessel may now by law be liable, notwithstanding such master or mariner may be an owner or part owner of the ship or vessel.

SEC. 7. *And be it further enacted*, That any person or persons shipping oil of vitriol, unslacked lime, inflammable matches, or gunpowder, in a ship or vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandize, to the master, mate, officer, or person in charge of the lading of the ship or vessel, shall forfeit to the United States one thousand dollars.

This act shall not apply to the owner or owners of any canal boat, barge, or lighter, or to any vessel of any description whatsoever, used in rivers or inland navigation.

APPROVED, March 3, 1851.

March 3, 1851.

CHAP. XLIV. — *An Act providing for an additional Term of the United States Circuit and District Courts at Chicago, in the District of Illinois.* (a)

Terms of courts in Illinois.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a term of the Circuit Court, and a term of the District Court of the United States for the District of Illinois, shall be held at the city of Chicago, in said district, commencing on the first Tuesday of October in each

(a) For previous acts respecting courts in Illinois, see note in vol. iv. p. 468, and Stat. 1819, ch. 70; 1824, ch. 38; 1831, ch. 10; 1848, ch. 35.