

AN ACT PROVIDING FOR THE EXAMINATION AND LICENSING OF APPLICANTS FOR THE POSITIONS OF MASTER, MATE, PATRON, AND ENGINEER OF SEAGOING VESSELS IN THE PHILIPPINE COASTWISE TRADE, A...

Act No. 780, May 29, 1903

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. A board is hereby created, to consist of the Collector of Customs for the Philippine Archipelago, the Superintendent of the Nautical School, the Inspector of Boilers, the Inspector of Hulls, and one master of a merchant vessel, who shall be appointed by the Insular Collector of Customs, to examine and certify for licenses all applicants for the positions of master, mate, patron and engineer of seagoing vessels in the Philippine coastwise trade. The Insular Collector of Customs shall be president of the Board ex officio, and any three members thereof shall constitute a quorum for the transaction of business. This board shall be known and referred to as the "Board on Philippine Marine Examinations."

SEC. 2. Whenever any person applies for license as master, mate, patron, or engineer of a Philippine coastwise vessel it shall be the duty of the Board on Philippine Marine Examinations to make thorough inquiry as to his character and carefully to examine the applicant, the evidence he presents in support of his application, and such other evidence as it may deem proper or desirable, and if satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities of the position for which he makes application, it shall so certify to the Insular Collector of Customs, who shall issue a license authorizing such applicant to act as master, mate, patron, or engineer, as the case may be.

SEC. 3. The Board shall meet at the office of the Insular Collector of Customs at Manila during the last week of the months of April, August, and December of each year and examine all applicants for any such positions who have filed in writing their applications for examination at least one month before the meeting of the Board. Every applicant shall be examined physically by a competent physician selected by the Board, and, unless found to be physically sound, shall not be further examined and shall not be licensed. The Board may, in its discretion, require the production of ship's journals and log books for inspection in the examination of applicants for positions of master or mate.

Every applicant for license as master must produce satisfactory evidence that he has served as certified first mate for at least three years in a seagoing sailing vessel or at least five years in a seagoing steamer, and must not be less than twenty-eight years of age.

Every applicant for license as first mate shall be required to produce to the Board properly certified documents should that he has served in the capacity of second and third mate for at least two years in a seagoing sailing vessel or at least three years in a seagoing steamer, and must not be less than twenty-five years of age.

Every applicant for license as second mate must produce to the Board a certificate as third mate and properly certified documents showing that he has served in the capacity of third mate in a seagoing sailing vessel for at

least one year or in a seagoing steamer for at least two years, and must; not be less than twenty-three years of age.

Every applicant for the position of third mate shall be required to present to the Board documents properly certified showing that he has served as seaman, apprentice, or quartermaster continuously for at least nine months in a seagoing sailing vessel or at least eighteen months in a seagoing steamer: Provided, That, if the applicant produces a certificate of graduation from the Nautical School of Manila, it shall be sufficient, evidence of his technical knowledge, but not of his physical condition, experience, habits, or character. The applicant shall not be less than nineteen years of age.

Every applicant for license as patron shall not be less than twenty-three years of age. He shall be examined on the following subjects: Reading and writing; management of the sails and rigging of coasting and pilot boats; manner of loading according to cargo; manner of careening a boat so as to rid it of water, as well as manner of stranding same; knowledge of the coasts where he is to navigate, their shoals, banks, and reefs; of ocean currents and tides; of prevailing winds; which winds to sail with and which to sail away from; how to square the compass; to take bearings by the lead, and other practical methods for determining the nearness of the coast and what course is to be taken; methods of entering and leaving the ports of the provinces; precautions to be taken in time of storms at sea as well as in port; method of repairing damage sustained by vessels; familiarity with all existing coast lighthouses on their routes knowledge of all maritime laws relating to the sanitation and police regulations of ports; knowledge of regulations governing the use of lights and signals for the prevention of collisions, and in short, of all subjects that may have a bearing on his calling.

The Board in examining applicants for the position of engineer shall diligently inquire into the knowledge of said applicants of the construction and operation of steam machinery and especially of engines and boilers, also as to the applicant's practical experience, character, and habits, and the Board may, in its discretion, make such practical tests and examinations of applicants as it may deem necessary to demonstrate their fitness or unfitness for the positions which they seek. The Board may also take the statements, written or oral, of any persons cognizant of the qualifications of such applicants.

SEC. 4. The holders of licenses as master, mate, or engineer under the laws of the United States shall be eligible to appointment to like positions under this Act. The examination of every applicant shall be in writing and shall include a thorough examination as to his knowledge of seamanship and navigation in its various branches, his capacity and skill in lading and unlading cargo, in handling and storing freight under all conditions, and his knowledge generally of the duties of the position which he seeks.

SEC. 5. To obtain a license, every applicant shall be required to show a proficiency in the subjects upon which he is examined and shall answer correctly at least seventy-five per cent of the questions propounded to him on such examination. Examinations of all applicants, as well as the records of the Board, shall be kept in the office of the Insular Collector of Customs at Manila.

SEC. 6. Every license authorized to be issued as above set forth shall be operative and in force until July first, nineteen hundred and four, but the Insular Collector of Customs may at any time suspend or revoke any license upon satisfactory proof of misconduct, intemperate habits, incapacity, or inattention to duty on the part of the licensee.

SEC. 7. On and after August first, nineteen hundred and three, every applicant for license as master, mate, patron, or engineer of a Philippine coastwise vessel shall be a citizen of the United States or of the Philippine Islands: Provided however, That any citizen or subject of any other country who may be acting as master, mate, patron, or engineer of any Philippine coastwise vessel at the time of the passage of this Act may, upon application to the Insular Collector of Customs, be granted a certificate of service which shall authorize him to continue to act in the

Philippine coastwise trade as such master, mate, patron, or engineer, as the case may be, upon making proper showing to the Board hereinbefore created, either by the presentation of a properly authenticated license from some other recognized maritime country satisfactory to the Board, or by such other evidence of competency and good character as the Board in its discretion may deem sufficient: And provided further, That he shall have seen at least two years' service in the coastwise trade of these Islands under the American flag and that he shall take the following oath:

"I hereby solemnly swear that I acknowledge the sovereignty and authority of the United States in the Philippine Islands and of the Government constituted by the United States herein, and that while in the Islands I will support, and maintain the same, and that I will not at any time hereafter while in these Islands or while serving under this license at any place aid, abet, or incite resistance to the authority of the United States or of the government established by the United States in these islands, and that I take this oath voluntarily, without any mental reservation whatsoever. So help me God."

SEC. 8. On and after August first, nineteen hundred and three, every Philippine coastwise vessel which is in charge of a master who is not a citizen of the United States or of the Philippine Islands but is authorized to perform the duties of master in accordance with the preceding section of this Act shall be required to have on board, as either a mate or other watch officer, a citizen of the United States or of the Philippine Islands duly authorized by said Board to act as such. Any Philippine coastwise vessel which fails to comply with the terms of this section shall be required to pay an additional tonnage tax at the rate of ten cents, United States currency, per net ton per month during the continuance of said failure.

SEC. 9. On and after August first, nineteen hundred and three, every Philippine, coastwise vessel which has on board a mate or other watch officer who is not a citizen of the United States or of the Philippine Islands, although authorized to perform the duties of such in accordance with section seven of this Act, shall likewise be required to have on board, as either master or some watch officer, a citizen of the United States or of the Philippine Islands duly qualified by the Board to act in such capacity: Provided, however, That, in the case of Philippine coastwise vessels on which neither the master nor mate are citizens of the United States or the Philippine Islands, although authorized to perform the duties of such positions in accordance with section seven of this Act, the other watch officer or watch officers of the vessel shall be citizens of the United States or citizens of the Philippine Islands duly authorized by the Board to act in such capacity.

Any Philippine coastwise vessel which fails to comply with the terms of this section shall be required to pay an additional tonnage tax at the rate of ten cents, United States currency, per net ton per month during the continuance of said failure.

SEC. 10. Philippine coastwise vessels which have on board as a chief engineer who is not a citizen of the United States or of the Philippine Islands, although authorized to perform the duties of such in accordance with section seven of this Act, shall have on board as a first assistant engineer a citizen of the United States or a citizen of the Philippine Islands duly authorized by the Board to act as such; and every Philippine coastwise vessel which has on board a first assistant engineer who is not a citizen of the United States or a citizen of the Philippine Islands shall have, as chief engineer, either a citizen of the United States or a citizen of the Philippine Islands duly authorized by the Board to act as such: Provided, however, That, in the case of Philippine coastwise vessels on which neither the chief engineer nor the first assistant engineer is a citizen of the United States or a citizen of the Philippine Islands, there shall be employed and carried at least two other assistant engineers who shall be citizens of the United States or citizens of the Philippine Islands, duly authorized by the Board to act in such capacity.

Any Philippine coastwise vessel which fails to comply with the terms of this section shall be required to pay an additional tonnage tax at the rate of ten cents, United States currency, per net ton per month during the

continuance of said failure.

SEC. 11. No Philippine coastwise vessel which shall fail to comply with any of the provisions of the three preceding sections of this Act shall be permitted to sail under the United States flag or to engage in the Philippine coastwise trade, except upon payment of the additional tonnage taxes hereinbefore prescribed.

SEC. 12. All seagoing steam vessels engaged in Philippine coastwise trade shall employ and carry a licensed chief engineer, and all such steam vessels making night runs will employ and carry at least, one licensed chief engineer and one licensed assistant engineer: Provided however, That the Insular Collector of Customs may direct that more than two licensed engineers shall be employed and carried on any steamer when, in his opinion, the same are required.

SEC. 13. All steam vessels engaged exclusively in bay, river, and harbor work shall only be required to carry a chief engineer possessing a second-class license.

SEC. 14. Whenever the term "sailing vessel" is used in this Act it shall be understood and held to apply to sailing vessels of one hundred and fifty tons or over; and whenever the term "steamer" is used, it shall be understood and held to apply to all vessels of one hundred tons or over propelled by steam alone or by steam and sail.

SEC. 15. before issuing a license to any applicant for the position of master or engineer, the Insular Collector of Customs shall receive from such applicant the sum of ten dollars in compensation for his examination and license, and for the same service shall demand and receive from every mate, patron, or assistant engineer the sum of five dollars, money of the United States. The sums thus collected shall be paid by the Insular Collector of Customs into the Insular Treasury.

SEC. 16. Members of the Board created by this Act, unless they are in the service of the United States or of the Government of the Philippine Islands, shall be paid a per diem of five dollars, United States currency, during the period of time required in the examination of applicants.

SEC. 17. The Board on Philippine Marine Examinations shall be convened in extra session on July first, nineteen hundred and three, for the examination of all applicants who may present themselves before that date.

SEC. 18. Act Numbered Seventy-three of the Philippine Commission and all Acts amendatory thereof are hereby repealed.

SEC 19. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two or "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 20. This Act shall take effect on its passage.

Enacted, May 29, 1903.

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