

[Act No. 520, November 17, 1902]

AN ACT PERMITTING THE ISSUING OF SPECIAL LICENSES TO ENGAGE IN THE COASTWISE TRADE OF THE PHILIPPINE ISLANDS UNTIL JULY FIRST, NINETEEN HUNDRED AND FOUR, TO VESSELS NOT ENTITLED TO GENERAL COASTWISE-TRADE LICENSES UNDER THE CUSTOMS ADMINISTRATIVE ACT, AND AUTHORIZING THE FIXING OF MAXIMUM RATES FOR TRANSPORTATION OF MERCHANDISE AND PASSENGERS IN THE COASTWISE TRADE.

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

Whereas the President of the United States, upon October twenty-third, nineteen hundred and two, signed an executive order providing that "the executive order of July third, eighteen hundred and ninety-nine, prescribing the conditions upon which officers of the customs in the Philippine Islands, ceded in the United States by Spain, may issue a certificate of protection entitling the vessel to which it is issued to the protection and flag of the United States on the high seas and in all ports, shall not be deemed to preclude the power and authority of the Philippine Commission to enact laws extending the right or privilege of interisland or coastwise trade in the Philippine Archipelago to foreign vessels during the period while the laws regulating the coastwise trade of the United States are inapplicable thereto under the provisions of the Act of Congress entitled 'An Act temporarily to provide revenue for the Philippine Islands and for other purposes,' approved March eighth, nineteen hundred and two";

SECTION 1. The Collector of Customs for the Philippine Archipelago is hereby authorized to issue a special coastwise license to any vessel belonging in whole or in part to a citizen of the United States or to a citizen of the Philippine Islands, or to a citizen or subject of any country with which the United States is at peace, entitling said vessel to engage in the coastwise trade of the Philippine upon the terms and conditions hereinafter prescribed.

SEC. 2. The owner, managing owner, charterer, or master of any vessel for which a special coastwise license is sought shall make therefor under oath to the Collector of Customs for the Philippine Archipelago, setting forth the name and residence of the owners or owners, the nationality, name, and place of construction of the vessel, her class, gross and net tonnage, number of decks and masts, her length, breadth, and depth, and a statement that the vessel is intended for legitimate trade only.

If satisfied of the bona fides of the application, the Collector of Customs for the Philippine Archipelago shall issue a special coastwise license for a period not to exceed one year, upon the payment of a license fee of one dollar per year for each ton of registered tonnage of the vessel, or at the rate of fifteen cents per registered ton per month for any shorter period: *Provided*, That in no case shall a license fee of less than fifteen cents per ton be collected.

SEC. 3. In case the vessel is owned by an incorporated company, the application may be made by the president, vice-president, acting president, or secretary of such company, or by the master of the vessel.

SEC. 4. Upon the death, removal, or resignation of the person in whose name the license is granted, or of one of the above-mentioned officers of an incorporated company, or of a master of a vessel, whose name appears in the license, a new license must be obtained, and the same shall be issued without charge for the unexpired period of the original license.

SEC. 5. In assessing the license fee above prescribed, the vessels of the United States, Great Britain, Belgium, Denmark, Austria-Hungary, the German Empire, Italy, Sweden, Norway, Spain, the Netherlands, Russia, Finland, Portugal, and Japan, whose registers indicate their gross and net tonnage under their present law, shall be taken to be of the tonnage so expressed in their documents, without admeasurement or charge therefor in the Philippine Islands, but all other vessels shall be subject to the usual admeasurement and fees at the port of Manila before being granted, the license above described.

SEC. 6 . Vessels operating under the special coastwise license shall hoist their national ensign, and shall fly at the mainmast the "Philippine coastwise emblem," which shall consist of a rectangular white flag with one blue and one red star ranged from staff to tip in a horizontal median line.

SEC. 7. The provisions of sections one hundred and thirty-four, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty-two, one hundred and fifty-three, and one hundred and fifty-five of the Philippine Customs Administrative Act shall apply to all vessels, their cargoes, masters officers, and crews operating or being carried under the special coastwise license hereinbefore authorized.

SEC. 8. Vessels operating under the special coastwise license, arriving at ports in the Philippine Islands from a port or place outside of the Islands, shall be subject to all the laws, regulations, orders provisions, fines, forfeitures, and other penalties provided for foreign vessels, for vessels possessing the certificate of protection issued under section one hundred and seventeen of the Philippine Customs Administrative Act when entering from a port or place outside of the Philippine Islands, and for other vessels so entering the Philippine Islands.

SEC. 9. The master of any vessel engaging in the coastwise trade of the Philippine Islands without being duly licensed in accordance with this Act shall, on conviction, be fined not exceeding five thousand dollars, or imprisoned at hard labor not more than ten years, or both, in the discretion of the court, and the vessel and the cargo may be seized and forfeited.

SEC. 10. In addition to the penalties prescribed by section three hundred and two of the Philippine Customs Administrative Act, the master of any vessel operating under a special coastwise license which shall have any firearms, gunpowder, cartridges, dynamite, or any other class of explosives or munitions of war, concealed on board the vessel, or not duly manifested, may also, on conviction, be imprisoned at hard labor not more than ten years, in the discretion of the court; and any officer, member of the crew, or other person aboard such vessel, who, having guilty knowledge of the presence on board of such concealed or unmanifested firearms, gunpowder, cartridges, dynamite, or other explosives or munitions of war, shall fail

to report, or to make due effort to report, the same to the first authority of the Insular Government with whom communication can be had, shall, on conviction, be fined not more than two thousand dollars, or imprisoned at hard labor not more than five years, or both, in the discretion of the court.

SEC. 11. In addition to the penalties prescribed by section one hundred and fifty-one of the Philippine Customs Administrative Act, the master of any vessel operating under a special coastwise license which shall enter any closed port in the Philippine Islands without the special permission of a collector of customs at a port of entry shall, on conviction, be fined not to exceed two thousand dollars, or be imprisoned at hard labor not more than five years, or both, in the discretion of the court.

SEC. 12. Every vessel for which a special coastwise license is sought shall first be required to specially register in the office of the Collector of Customs for the Philippine Archipelago all firearms, sidearms, cartridges or ammunition therefor, lead, and other articles on board or in the possession of either crew or passengers, which the Collector of Customs for the Philippine Archipelago may designate for such purpose, in addition to having the same regularly manifested as required by law.

SEC. 13. The special coastwise license by this Act provided shall not be issued to any vessel having Chinese persons in its crew who are excluded by law from entering the Philippine Islands, until the master of such vessel shall have given bond, conditioned for the payment of five hundred dollars, in money of the United States, for every such Chinese member of the crew who shall escape to the shores of the Philippine Islands from the vessel, and for the payment of the expenses of capture and deportation hereinafter described. The amount of such bond shall be fixed by the Collector of Customs for the Philippine Archipelago and shall contain a provision that, in addition to the payment of the penalties above provided which it secures, it shall also cover the payment of all expenses incident to the capture and deportation of such Chinese members of the crew escaping from such vessel into the Philippine Islands. The bond shall be signed and executed by the master of the vessel and by one or more sufficient sureties, to be approved by the Collector of Customs for the Philippine Archipelago, with whom it shall be filed. In addition to the security of the bond the Collector of Customs shall have authority to seize and hold the vessel until the penalties above provided and imposed, and the expense of capture and deportation of such escaped Chinese persons, shall have been paid: *Provided*, That where such a Chinese member of the crew shall escape to the shores of the Philippine Islands without the connivance of the master or the officers of the vessel, and they, or either of them, shall retake and return to the vessel such Chinaman within five days from the time of his escape, the penalties herein provided may be reduced or remitted by the Collector of Customs for the Philippine Archipelago in his discretion.

SEC. 14. Upon being informed of the escape of any such Chinese member of the crew of a vessel receiving a special coastwise license under this Art the Collector of Customs for the Philippine Archipelago shall apply to the proper Constabulary, provincial, or municipal authorities for the capture and return of the escaped Chinaman, and, if raptured, he shall be deported from the Philippine Islands to the place from which he last sailed at the expense of the master of the vessel from which he escaped, the expense thereof to be collected out of the penalty of the bond in addition to the penalty already imposed.