

Title 19.

Admiralty and Maritime.

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CHAPTER 1.

VESSELS.

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SUBCHAPTER I.

Registration.

§ 1. **Registration required; vessels permitted; eligibility.** — (1) No vessel, measuring twenty-five feet or more at the water line when empty of cargo and passengers, propelled in whole or in part by mechanical or electrical power or sail, shall be granted a license, grant, or other express permit for the purpose of operation in any territorial waters of the Trust Territory, unless the same shall be under the registry of a sovereign state or of the Trust Territory in accordance with the requirements of this chapter.

(2) Express permission is hereby granted to persons residing in the Trust Territory to operate within the territorial waters of the Trust Territory:

- (a) Outrigger vessels of all kinds;
- (b) Vessels propelled by outboard motors; and
- (c) Vessels measuring less than twenty-five feet at the water line when empty of cargo and passengers, which are not used either to carry cargo or passengers for hire or for interdistrict travel.

(3) Only those vessels belonging wholly to Trust Territory citizens, not including corporations organized and chartered under law, unless wholly owned and controlled by Trust Territory citizens, or residents of the Trust Territory prior to December 7, 1941 who have continuously remained residents since that date in respect of which both conditions shall concur, shall be eligible for registration or re-registration under this chapter. No vessel registered hereunder shall engage in international trade unless specifically authorized by license issued pursuant to section 53 of this chapter after consultation with and direction by the High Commissioner; provided, however, that should occasion arise wherein the interests of the Trust Territory cannot be adequately served by the use of vessels registered elsewhere, the High Commissioner may

authorize the registration of vessels owned by persons or corporations other than those set forth in this section. (Code 1966, § 830; Code 1970, tit. 19, § 1.)

Licensing requires submission to jurisdiction of Trust Territory courts. — Pursuant to this Code a vessel of a sovereign state, in order to be licensed to operate within Trust Territory waters, must submit herself to

the jurisdiction of the Trust Territory courts in the same manner as a vessel of Trust Territory registry. *Kodang v. Trust Territory*, 5 TTR 581 (1971).

§ 2. Application. — (1) The owner or person in control of any vessel not registered elsewhere desiring to operate it within the territorial waters of the Trust Territory shall make written application for the registration or re-registration thereof to the district administrator of the district and at the port in which the vessel is located at the time of registry. Said districts and ports at which applications may be filed are as follows:

- (a) Palau District: Malakal Harbor, Koror.
- (b) Yap District: Tomil Harbor, Yap.
- (c) Truk District: Moen Anchorage, Moen.
- (d) Ponape District: Ponape Harbor, Ponape.
- (e) Kosrae District: Lelu Harbor, Kosrae.
- (f) Marshall Islands District: Darrit Anchorage, Majuro,
Ebeye Anchorage, Ebeye.

(2) The application to be made by the owner or person in control of such vessel shall state the following:

- (a) Name and address of the owner of such vessel;
- (b) Home port of vessel;
- (c) Purpose for which vessel is operating;
- (d) Tonnage and general dimensions of vessel;
- (e) Type and power of the engine and the kind of fuel used; if steam, the type of boiler;
- (f) Capacity of vessel as to cargo and passengers; and
- (g) Cruising radius of vessel. (Code 1966, § 831; Code 1970, tit. 19, § 2; P.L. No. 7-112, § 1.)

§ 3. Registration number. — Upon being satisfied that the statements set forth in the application are true, the district administrator shall cause to be registered in a book to be kept for that purpose the vessel described in the application and shall give to the applicant a registration number and certificate bearing the signature of said district administrator setting forth the registration number assigned to the vessel together with a statement of pertinent facts as set forth in said application. Such registration number shall be displayed in a conspicuous place on both sides of the vessel. A copy of the certificate of registration shall be recorded and indexed by the chief of police in accordance with regulations issued by the High Commissioner. (Code 1966, § 832; Code 1970, tit. 19, § 3.)

§ 4. Re-registration. — A vessel registered under this chapter shall be re-registered at the end of each year, computed from the date of original registration. Re-registration is required whenever there is a change of ownership or a change in the method of propelling such vessel, so as to indicate the change of the name of the owner or a change in the method of propelling the vessel. The re-registration may be under the original number. (Code 1966, § 833; Code 1970, tit. 19, § 4.)

§ 5. Fees. — There shall be paid to the district administrator for the original registration of a vessel the sum of ten dollars and for each

re-registration the sum of five dollars. All such fees collected by the district administrator shall be remitted to the treasurer of the Trust Territory. (Code 1966, § 834; Code 1970, tit. 19, § 5.)

§ 6. Flag to be flown by registered vessels. — All vessels registered and licensed in accordance with the provisions of this chapter shall fly the flag of the Trust Territory. (Code 1966, § 835; Code 1970, tit. 19, § 6.)

SUBCHAPTER II.

Inspection.

§ 51. Board of marine inspectors; created; duties generally. — A board of marine inspectors composed of one or more, but not to exceed three, qualified persons, appointed by the High Commissioner, shall have general supervision over all vessels operating in the territorial waters of the Trust Territory pursuant to the provisions of this title. It shall prescribe and publish all needful rules and regulations for the enforcement of the provisions of this title. The board shall fix and collect reasonable fees for all inspections, examinations and licenses made, given or issued pursuant hereto. All fees so collected shall be remitted to the treasurer of the Trust Territory. (Code 1966, § 850; Code 1970, tit. 15, § 51.)

§ 52. Same; inspection of vessels. — The board shall, once in every year and oftener as may be deemed necessary, carefully inspect the hull of each vessel licensed or to be licensed to operate in the territorial waters of the Trust Territory pursuant to the provisions of this title and shall satisfy itself that every such vessel has the structure and suitable engine power and accommodations for passengers commensurate with the service in which she is employed, and in general is in condition to warrant belief that she may be used in navigation as a vessel with safety to life and cargo. If, in the opinion of the said board, the vessel is found unsatisfactory in any particular the board may in its discretion forbid her further operation until the fault is corrected and, if not corrected, within a reasonable time may revoke the license of such vessel. The foregoing provisions applicable to the examination of a vessel already licensed shall also be applicable to the examination of a vessel applying for its first license. The board shall not issue a license to such vessel if her condition or equipment is such as would warrant the board to forbid her further operation or revoke her license were she already licensed. The license when issued shall specify the number of passengers and the quantity of freight, if any, to be carried. (Code 1966, § 852; Code 1970, tit. 19, § 52.)

§ 53. Same; licensing of vessels. — The board shall determine and publish the types and classes of vessels properly subject to examinations and licensing and shall issue licenses for the operation of such vessels, make examinations of vessels applying for such license and keep a record of its doings. The board shall file a copy of its determination of the types and classes of vessels subject to examination and licensing, with each clerk of courts. Copies of licenses issued by the board shall be forwarded to the chief of police of the district in which the vessel is licensed, who shall file and index the same. (Code 1966, § 851; Code 1970, tit. 19, § 53.)

§ 54. Licensing of master and engineer; complement of officers and crew. — The board shall make such rules and regulations as it may deem necessary concerning the examination and licensing of masters and engineers

and the complement of licensed officers and crew of vessels licensed to operate within the waters of the Trust Territory pursuant to this title. No person shall operate as the master or engineer of any vessel engaged in coast-wide or inter-island traffic in the Trust Territory until or unless he has been duly licensed under such rules and regulations as the board may provide. No vessel operated under this title shall depart from any port, harbor or island in the Trust Territory unless she has in her service and on board such complement of licensed officers and crew as is specified by the board. (Code 1966, § 853; Code 1970, tit. 19, § 54.)

§ 55. Delegation of authority of board. — The board may delegate any of its authorities or duties set forth in this subchapter. (Code 1966, § 854; Code 1970, tit. 19, § 55.)

CHAPTER 2.

REGULATION AND CONTROL OF SHIPPING.

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101. Definitions.	105. Examination of hovering vessels.
102. Permission to enter territorial waters.	106. Unlawful acts.
103. Innocent passage.	107. Penalty for violations; seizure and forfeiture of vessel.
104. Examination of unlicensed vessels.	

§ 101. Definitions. — As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

(1) "*Unlicensed vessel*" means any vessel not operating under license, grant or express permission of the High Commissioner of the Trust Territory, except public vessels of the United States traveling under proper orders and not engaged in commercial activities, outrigger vessels of all kinds and vessels propelled by outboard motors.

(2) "*Innocent passage*" means navigation through territorial waters for the purpose either of traveling it bona fide en route from one point to another on the usual course for such travel, wind and weather permitting, without entering inland waters, or of proceeding to inland waters at a point of entry, or of making for the high sea from inland waters, and includes stopping or anchoring only if incidental to ordinary navigation or in an emergency.

(3) "*Territorial waters*" means the waters of the territorial sea as defined and described in section 52 of title 52 of the Trust Territory code.

(4) "*Hovering vessel*" means any unlicensed vessel which is found or kept off any island, islet, atoll, or reef of the Trust Territory, within the territorial waters of the Trust Territory, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to violate any of the provisions of this chapter or any law or regulation of the Trust Territory. (Code 1966, § 874; Code 1970, tit. 19, § 101; P.L. No. 7-71, § 2.)

§ 102. Permission to enter territorial waters. — Except for innocent passage, stress of weather or force majeure, it shall be unlawful for any unlicensed vessel to enter or remain within the territorial waters of the Trust Territory without first receiving permission therefor from the High Commissioner or a district administrator in accordance with provisions of title 53 of this Code, and regulations issued pursuant thereto. (Code 1966, § 875; Code 1970, tit. 19, § 102.)

Title to marine resources unlawfully removed from Trust Territory waters remains in government. — Defendant, convicted of unlawfully entering Trust Territory waters and removing marine resources obtained his cargo in violation of law

and therefore acquired no title to it. Rather the title remained in the government of the Trust Territory, held by it in trust for the people of Micronesia. Trust Territory v. Kaneshima, 4 TTR 340 (1969).

§ 103. Innocent passage. — Nothing in this chapter shall be construed as limiting the right of innocent passage through the territorial waters of the Trust Territory. Passage is not innocent when any vessel makes use of the territorial waters of the Trust Territory for the purpose of doing any act prejudicial to the security, public policy or economic interests of the Trust Territory. (Code 1966, § 876; Code 1970, tit. 19, § 103.)

§ 104. Examination of unlicensed vessels. — The district administrators or their duly authorized representatives may at any time go on board any unlicensed vessel found within the territorial waters of the Trust Territory and, if there is reason to suspect that such vessel is violating any laws or regulations of the Trust Territory, may examine the manifest and other documents and papers, and inspect and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance. (Code 1966, § 877; Code 1970, tit. 19, § 104.)

§ 105. Examination of hovering vessels. — (1) Any hovering vessel found within the territorial waters of the Trust Territory may at any time be boarded and examined by any district administrator or his duly authorized representative who may examine, upon oath, the master or other person having the command or charge of such vessel respecting the cargo and voyage of the vessel and may also bring the vessel into the most convenient port of the Trust Territory to examine the cargo. If the master or other person having the command or charge of such vessel refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage he shall be liable as provided in section 107 of this chapter.

(2) If upon examination of any such vessel, its master, officers, crew members, passengers or cargo by any proper officer, sufficient evidence is found to satisfy the inspecting officer that any such person has been engaged in any unlawful act within the territorial waters of the Trust Territory or is actively planning to engage in such unlawful act, the vessel and the persons so engaged shall be subject to the penalties provided by section 107 of this chapter or other applicable laws of the Trust Territory. (Code 1966, § 878; Code 1970, tit. 19, § 105.)

§ 106. Unlawful acts. — It shall be unlawful for any vessel to engage within the territorial waters of the Trust Territory in fishing, the harvesting of trochus, the removal of scrap iron, or animal, vegetable, marine, or mineral resources without authorization by an officer or agent of the government of the Trust Territory. (Code 1966, § 881; Code 1970, tit. 19, § 106.)

Title to marine resources unlawfully removed from Trust Territory waters remains in government. — Defendant, convicted of unlawfully entering Trust Territory waters and removing marine resources obtained his cargo in violation of law

and therefore acquired no title to it. Rather the title remained in the government of the Trust Territory, held by it in trust for the people of Micronesia. Trust Territory v. Kaneshima, 4 TTR 340 (1969).

§ 107. Penalty for violations; seizure and forfeiture of vessel. — (1) If any owner, master, person, company, corporation, charterer, any party to a charter agreement or other person having command or charge of a vessel fails to comply with the provisions of this chapter or obstructs or interferes with the exercise of any powers conferred by this chapter, or engages in any unlawful act under this chapter, he shall be fined not more than fifty thousand dollars, or imprisoned not more than two years, or both.

(2) Any vessel involved in the commission of unlawful acts, together with her tackle, apparel, furniture, and equipment shall be subject to seizure and forfeiture to the Trust Territory as provided in chapter 3 of this title. (Code 1966, § 882; Code 1970, tit. 19, § 107; P.L. No. 7-27, § 1.)

Statutory authority for confiscation not necessary. — There is nothing in this Code authorizing either forfeiture or confiscation as a penalty of the cargo of a fishing vessel unlawfully operating in Trust Territory waters. However, because of the special nature of marine life, such statutory authority for confiscation is not necessary. *Trust Territory v. Kaneshima*, 4 TTR 340 (1969).

“Penalty” defined; exaction for unlawful operation of a fishing vessel. — A “penalty,” as distinguished from forfeiture, is defined as a punishment by way of a pecuniary exaction from the offender imposed and enforced by the state for a crime against its laws. The only

pecuniary exaction permitted by this Code for unlawfully operating a fishing vessel in Trust Territory waters are fines not exceeding \$10,000 (now \$50,000) for each offense. *Trust Territory v. Kaneshima*, 4 TTR 340 (1969).

Licensing requires submission to jurisdiction of Trust Territory courts. — Pursuant to this Code a vessel of a sovereign state in order to be licensed to operate within Trust Territory waters, must submit herself to the jurisdiction of the Trust Territory courts in the same manner as a vessel of Trust Territory registry. *Kodang v. Trust Territory*, 5 TTR 581 (1971).

CHAPTER 3.

SEIZURE AND FORFEITURE PROCEDURES.

Sec.	Sec.
151. Seizure authorized.	156. Filing of claims to vessel, equipment, and cargo.
152. Report of seizure.	157. Forfeiture and sale; retention of vessel.
153. Investigation and prosecution by district attorney.	158. Disposition of proceeds of sale.
154. Custody of vessel and equipment.	159. Judgment for return.
155. Notice of libel.	160. Compromise of claims.

Cross references. — Unreasonable search and seizure, 1 TTC § 3.

Searches and seizures, 12 TTC ch. 3.

§ 151. Seizure authorized. — Any district administrator or any person authorized by him to make seizures under this chapter, who has reasonable cause to believe that a vessel is subject to seizure for any violation hereof, may seize such vessel, together with her apparel, tackle, furniture and equipment. The authority granted in this section shall not bar an application to the trial division of the high court for a warrant of arrest of a vessel which has not been seized under this section. (Code 1966, § 883(a); Code 1970, tit. 19, § 151.)

“Forfeiture” defined; does not include confiscation of cargo as an incident to criminal conviction. — Forfeiture is defined as “divesture of property without compensation” by means of an action against the property itself. Confiscation of cargo as an incident to criminal conviction is not within either the definition of or statutory provision for forfeiture. *Trust Territory v. Kaneshima*, 4 TTR 340 (1969).

§ 152. Report of seizure. — If the person making a seizure under this chapter is not a district administrator, he shall immediately report the seizure to the district administrator who authorized him so to act. It shall be the duty of the district administrator, whenever a seizure has been made by his authority under this chapter, to report it promptly to the district attorney and to the Attorney General of the Trust Territory, including in such report a statement of the names of any witnesses thereto. (Code 1966, § 883(b); Code 1970, tit. 19, § 152.)

§ 153. Investigation and prosecution by district attorney. — The district attorney of the district in which a seizure has been made for a violation of chapter 2 of this title or in which such a violation occurs shall immediately inquire into the facts of the case reported to him by the district administrator or other proper officer. If it appears probable that any forfeiture has been incurred by reasons of such violation, the district attorney shall forthwith cause a libel to be filed and prosecuted in the trial division of the high court for the condemnation and forfeiture of the vessel involved, together with her tackle, apparel, furniture and equipment; provided, however, that if, upon inquiry and examination, the district attorney decides that such libel cannot probably be sustained or that the ends of justice do not require that it should be instituted or prosecuted, he shall report the facts to the High Commissioner

for his direction in the premises. (Code 1966, § 883(c); Code 1970, tit. 19 § 153.)

§ 154. Custody of vessel and equipment. — Any foreign vessel, together with her tackle, apparel, furniture and equipment, seized under this chapter shall be placed and remain in the custody of the district administrator for the district in which the seizure was made to await disposition according to this chapter. (Code 1966, § 883(d); Code 1970, tit. 19, § 154.)

§ 155. Notice of libel. — After the filing of a libel under this chapter, the reputed owner of the vessel involved and any reputed holders of liens upon her shall be given due notice of the seizure and of the forfeiture proceedings in such manner as the court shall direct; provided, that no failure of such notice to reach the owner shall invalidate the proceedings provided the vessel has been seized in accordance with this chapter or has been arrested under a warrant of arrest issued by the court. (Code 1966, § 883(e); Code 1970, tit. 19, § 155.)

§ 156. Filing of claims to vessel, equipment, and cargo. — (1) Any person claiming a vessel seized under this chapter may, at any time within forty-five days after seizure or arrest of the vessel, or such longer time, if any, as the court may allow, file in the trial division of the high court in the district in which the seizure or arrest was made, a claim stating his interest therein. Upon filing of such claim the court shall, after such notice, if any, as it deems justice requires, proceed to adjudicate the interests in the vessel, together with her tackle, apparel, furniture and equipment, and determine whether they shall be condemned and forfeited.

(2) If the claimant is the owner or the person otherwise entitled to immediate possession of the vessel, he shall have the burden of proof to show that the violation occurred without his knowledge or without any negligence on his part. Upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, he shall be entitled to a return of said vessel, together with her tackle, apparel, furniture and equipment. If said claimant is a lien holder, he shall, upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, be entitled to have the amount of his lien determined and protected in the manner and to the extent the court determines justice requires, in any judgment entered under this chapter. (Code 1966, § 883(f); Code 1970, tit. 19, § 156; P.L. No. 7-17, § 1.)

Effect of failure of owner of vessel to appear at proceeding for condemnation. — Where owner of vessel involved in proceeding for condemnation and forfeiture failed to appear and meet his statutory burden of proving that violation made grounds of

proceeding was without his knowledge or wilful negligence, court would order vessel condemned and forfeited. *Trust Territory v. Len Che Seng* No. 3, 6 TTR 50 (1972); *Trust Territory v. Hong Sen Ien*, 6 TTR 52 (1972).

§ 157. Forfeiture and sale; retention of vessel. — If, after due process of law, the court finds in favor of the libelant, the court shall condemn and declare the vessel forfeited, together with her tackle, apparel, furniture and equipment, and shall order the sale thereof at public auction or shall order the vessel forfeited to the High Commissioner for the use of the Trust Territory, subject in either case to such provisions as the court deems justice requires for the protection of liens which have been determined in accordance with section 156 of this chapter. (Code 1966, § 883(g); Code 1970, tit. 19, § 157.)

Burden of proof is on claimant of property seized. — Forfeiture is the rule and

release therefrom the exception, so that the burden of proof is upon the claimant of the

property seized to establish his right to it under statutory conditions. *Trust Territory v. Kyoshin Maru No. 23, 4 TTR 452 (1969).*

When owner is relieved from responsibility for unlawful use of vessel. — Under the Trust Territory seizure and condemnation statute, the owner or person entitled to possession is relieved of responsibility for the unlawful use of a vessel if he did not know of the intended use or was not wilfully negligent in failing to prevent the intended use. *Trust Territory v. Kyoshin Maru No. 23, 4 TTR 452 (1969).*

Where claimant has knowledge of unlawful destination of vessel, he is wilfully negligent in not stopping the voyage. — Where evidence demonstrated that claimant knew or should have known the unlawful destination of his vessel, it followed he was wilfully negligent in failing to stop the voyage and that negligence offset the claimant's right to recover the seized vessel. *Trust Territory v. Kyoshin Maru No. 23, 4 TTR 452 (1969).*

§ 158. Disposition of proceeds of sale. — The proceeds of the sale shall be disposed of as follows:

(1) The payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the vessel, advertising and court costs;

(2) The payment of liens to the extent that the court has determined they shall be protected in accordance with sections 156 and 157 of this chapter; and,

(3) The residue, if any, shall be deposited with the treasurer of the Trust Territory as a navigation fine. (Code 1966, § 883(h); Code 1970, tit. 19, § 158.)

§ 159. Judgment for return. — Upon the entry of judgment in favor of a claimant who is the owner or the person otherwise entitled to immediate possession, all the property seized or arrested shall be returned forthwith to the claimant or his agent; provided, that, if it appears there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and the claimant shall not be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such seizure or prosecution. (Code 1966, § 883(i); Code 1970, tit. 19, § 159.)

§ 160. Compromise of claims. — Any claim for forfeiture under this chapter may be compromised by the High Commissioner at any time on such terms and conditions as he deems reasonable and just. The High Commissioner may in connection therewith remit or mitigate the forfeiture or any part thereof, or order discontinuance of any prosecution relating thereto; provided, that nothing in this section shall be construed to deprive any person without his consent of an award made before such compromise. (Code 1966, § 883(j); Code 1970, tit. 19, § 160.)

CHAPTER 4.

SEAMEN'S PROTECTION ACT.

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202. Definitions.	217. Same; issuance of death certificate.
203. Certificate of service.	218. Same; burial expenses.
204. Minimum age for employment.	219. Working hours; overtime.
205. Wages; generally.	220. Repatriation; rights generally.
206. Same; unjustifiable discharge.	221. Same; loss of right.
207. Stowaways.	222. Offenses against the internal order of the vessel.
208. Grounds for discharge.	223. Corporal punishment.
209. Advance and allotment of wages.	224. Drunkenness, neglect of duty.
210. Wages and clothing exempt from attachment; assignment of wages.	225. Desertion.
211. Vacation allowances and holidays.	226. Incitement of revolt, mutiny, riot, etc.
212. Agreements as to loss of lien or right to wages.	227. Revolt or mutiny of seamen.
213. Wages not dependent on freight earned.	228. Entry of the offenses in logbook.
214. Wages, maintenance, and benefits for sick and injured seamen.	229. Abandonment of seamen.
215. Wrongful death.	230. Freedom of association.
	231. Time limit.
	232. Director to make rules and regulations.

§ 201. **Short title.** — This chapter shall be known as the "Seamen's Protection Act." (Code 1970, tit. 19, § 201.)

§ 202. **Definitions.** — In this chapter, unless the context otherwise requires, the following definitions shall be applicable:

- (1) "*Master*" means any person having command of a vessel;
- (2) "*Seamen*" means any or all members of a crew and officers other than the master and pilots, employed or engaged in any capacity on board any vessel;
- (3) "*Crew*" means collectively the persons, other than officers and the master, serving in any capacity on board a vessel;
- (4) "*Shipowner*" includes the charterer of any vessel where he mans, victuals, and navigates such vessel at his own expense or by his own procurement;
- (5) "*Trust Territory vessel*" means any vessel registered with the Trust Territory government;
- (6) "*Fishing vessel*" means any vessel used for catching any living creatures at sea;
- (7) "*Foreign trade*" means trade between foreign countries or between the Trust Territory and foreign countries;
- (8) "*Director*" means the director of transportation and communications or a person or board established by law to make rules and regulations not contrary to the provisions of this chapter relating to conditions and terms of employment, benefits, and other necessary matters concerning the rights of seamen. (Code 1970, tit. 19, § 202.)

§ 203. **Certificate of service.** — (1) The master shall sign and give to a seaman discharged from his vessel, either on his discharge or on payment of his wages, a certificate of service in a form approved by the director, specifying the period of his service and the time and place of his discharge.

(2) If any person forges or fraudulently alters any certificate of service, he shall, in respect of each offense, be guilty of a misdemeanor. (Code 1970, tit. 19, § 203.)

§ 204. Minimum age for employment. — (1) Children under the age of sixteen years shall not be employed on Trust Territory vessels engaged to foreign trade, except on vessels on which only members of the same family are employed, school-ships, or training ships.

(2) The master shall keep a register of all persons under the age of sixteen years employed on board his vessel, as required by regulations. (Code 1970, tit. 19, § 204.)

§ 205. Wages; generally. — (1) Wages shall commence on the day specified and agreed to in the shipping articles or at the time of presence on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or termination of the articles.

(2) In the absence of any agreement to the contrary the shipowner or the master of the vessel shall pay to every seaman his wages within two days after the termination of the articles, or at the time when the seaman is discharged, whichever is first.

(3) A seaman is entitled to receive in local currency, on demand, from the master one-half of his wages actually earned and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any ten-day period. In case of wrongful failure to pay a seaman his wages on demand, the seaman becomes entitled to a payment of full wages earned.

(4) Every master shall deliver to the seaman, before paying off, a full and true account of his wages and all deductions to be made therefrom on any account whatsoever, and in default shall, for each offense, be liable to a penalty of not more than twenty-five dollars. (Code 1970, tit. 19, § 205.)

§ 206. Same; unjustifiable discharge. — Any seaman who has signed shipping articles and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge and without consent, shall be entitled to receive in addition to his earned wages a sum equal in amount to one month's wages as compensation. (Code 1970, tit. 19, § 206.)

§ 207. Stowaways. — A stowaway signing the vessel's articles is entitled to wages, but not to maintenance and cure as provided in this chapter. The master shall discharge him at the first convenient port of call. Nothing in this section shall require a stowaway to be signed on shipping articles. (Code 1970, tit. 19, § 207.)

§ 208. Grounds for discharge. — The master may discharge a seaman for justifiable cause, including any of the following grounds:

(1) Unjustified failure to report on board at such times and dates as may be specified by the master;

(2) Incompetence to perform duties for which the seaman has represented himself as qualified;

(3) Theft, embezzlement, or wilful destruction of any part of the vessel, its cargo or stores;

(4) Serious insubordination or wilful disobedience or wilful refusal to perform assigned duties;

(5) Mutiny or desertion;

(6) Habitual intoxication, quarreling or fighting;

(7) Possession of dangerous weapons, narcotics or contraband articles;

(8) Intentional concealment from the shipowner or master, at or prior to engagement under the shipping articles, of a condition which resulted in sickness or injury;

- (9) Assistance to stowaways;
- (10) Wilful violation of the laws of the Trust Territory or applicable local criminal laws. (Code 1970, tit. 19, § 208.)

§ 209. Advance and allotment of wages. — (1) It shall be unlawful to pay any seaman wages in advance of the time when they are actually earned, or to pay such advance wages or make any order or note or other evidence of the indebtedness therefor to any other person, or to pay any person for the shipment of any seaman when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the provisions of this section shall be punished with a fine of not more than fifty dollars.

(2) It shall be lawful for the master and any seaman to agree that an allotment of a portion of the seaman's earnings may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seaman. (Code 1970, tit. 19, § 209.)

§ 210. Wages and clothing exempt from attachment; assignment of wages. — The wages and clothing of a seaman shall not be subject to attachment or arrestment from any court; and assignment or sale of wages or of salvage made prior to the accruing thereof shall not bind the seaman, except that allotments shall bind the seaman. (Code 1970, tit. 19, § 210.)

§ 211. Vacation allowances and holidays. — (1) Every master and seaman shall be entitled after twelve months of continuous service on a vessel or for the same employer to receive and shall take an annual paid vacation equivalent to:

(a) In the case of masters and officers, not less than twelve days base wages; and

(b) In the case of other members of the crew, not less than eight days base wages.

(2) Every seaman shall be entitled to a minimum of five paid holidays per year.

(3) In the event a seaman is unable to take the benefits of subsections (1) and (2) hereof for paid vacation or holiday, then that person shall be entitled to double time pay for each vacation day or holiday, as measured by eight hours that person was unable to take, as certified by the master. (Code 1970, tit. 19, § 211.)

§ 212. Agreements as to loss of lien or right to wages. — No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship or to abandon any right which he may have obtained in the nature of salvage shall be wholly void and inoperative. (Code 1970, tit. 19, § 212.)

§ 213. Wages not dependent on freight earned. — No right to wages on the part of any seaman shall be dependent on the earning of freight by the vessel; provided, that nothing in this section shall be construed to prevent any profit-sharing plan by which officers and crew are to be compensated with profits in addition to their established wages. (Code 1970, tit. 19, § 213.)

§ 214. Wages, maintenance, and benefits for sick and injured seamen. — (1) In the event of disabling sickness or injury while a seaman is on board a vessel under signed shipping articles, or off the vessel pursuant to an actual mission assigned to him by, or by the authority of the master, the seaman shall be entitled to:

(a) Full wages, as long as he is sick or injured and remains on board the vessel;

(b) Medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared to have reached a maximum cure or to be incurable, but in no event more than thirty weeks from the day of the injury or commencement of the sickness;

(c) An amount equal to board and lodging up to a maximum period of thirty weeks, and one third of his base wages during any portion of such period subsequent to his landing from the vessel but not to exceed a maximum period of sixteen weeks commencing from the day of injury or commencement of the sickness;

(d) Repatriation as provided in section 220 of this chapter including, in addition, all charges for his transportation, accommodation and food during the journey and his maintenance up to the time fixed for his departure.

(2) The shipowner or his representative shall take adequate measures for safeguarding property left on board by a sick, injured, or deceased seaman.

(3) The seaman shall not be entitled to any of the following benefits:

(a) If such sickness or injury resulted from his wilful act, default or misconduct;

(b) If such sickness or injury developed from a condition which was intentionally concealed from the employer at or prior to his engagement under the articles;

(c) If he refuses medical treatment for such sickness or injury or is denied such treatment because of misconduct or default;

(d) If at the time of his engagement he refused to be medically examined.

(4) The seaman shall have a maritime lien against the vessel for any wages due him under this section. (Code 1970, tit. 19, § 214.)

§ 215. Wrongful death. — Notwithstanding anything contained in title 6, chapter 5 of this Code, whenever the death of a seaman, resulting from an injury, shall be caused by wrongful act, omission, neglect or default occurring on board a vessel, the personal representative of the deceased seaman may maintain a suit for damages, for the exclusive benefit of the deceased's wife, husband, parent, child, or dependent relative, against the vessel, person or corporation which would have been liable if death had not ensued. (Code 1970, tit. 19, § 215.)

§ 216. Death on board; procedure generally. — In the event of a death on board a vessel, an entry shall be made into the vessel's logbook by the master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the director. The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude), date and time of death, the names of next-of-kin, if known, and the name of the vessel. If the deceased person is a seaman, the entry and statement shall contain, in addition, his rank or rating, place and address of his residence or domicile, and the number of his license with date of issuance. The statement submitted by the master shall be countersigned by any attending physician aboard, otherwise by any of the ship's officers. A list of personal effects and amounts of money left on board the vessel shall be attached. (Code 1970, tit. 19, § 216.)

§ 217. Same; issuance of death certificate. — Where a death has been reported in accordance with the requirements of section 216 of this chapter, the office of the director shall issue a death certificate containing the particulars set forth in section 216 of this chapter upon the request of anyone having a legal interest. (Code 1970, tit. 19, § 217.)

§ 218. Same; burial expenses. — In the case of death of a seaman occurring on board the vessel or in case of his death occurring on shore, if, at the time, he was entitled to medical care and maintenance at the shipowner's expense, the shipowner shall be liable to defray reasonable local funeral expenses and make payment of the base wages of the deceased seaman up to the end of the month in which the death occurs. (Code 1970, tit. 19, § 218.)

§ 219. Working hours; overtime. — In relation to the members of the crew on a vessel engaged in foreign trade:

(1) The normal hours of work in port and at sea shall be eight per day; provided, that Saturdays and Sundays shall be included as weekdays;

(2) Work performed over and above the eight-hour period shall be considered as overtime and shall be compensated for at overtime rate;

(3) A reasonable number of men shall be employed to promote safety of life at sea and to avoid excessive work burdens; and

(4) Whenever the master of any vessel shall fail to comply with this section, he shall be liable to a penalty not exceeding one hundred dollars. (Code 1970, tit. 19, § 219.)

§ 220. Repatriation; rights generally. — (1) Any seaman who is put ashore at a port other than the one where he signed the shipping articles and who is put ashore for reasons for which he is not responsible, shall be returned as a crew member or otherwise, but without expense to him:

(a) At the shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port of the seaman's own country; or

(b) To another port, agreed upon between the seaman and the shipowner or the master.

However, in the event that the seaman's contract period of service has not expired, the shipowner shall have the right to transfer him to another of the shipowner's vessels to serve thereon for the balance of the contract period of service.

(2) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or by expiration of his contract period of employment shall be entitled to repatriation, at no expense to him, to the port at which he was engaged or to such other port as may be agreed upon.

(3) The right to repatriation shall be lost by failure of the seaman to request repatriation within one week from the time that he is in condition to be repatriated. (Code 1970, tit. 19, § 220.)

§ 221. Same; loss of right. — A seaman shall forfeit his right of repatriation in case of:

(1) Desertion;

(2) Entering into a new agreement with the same owner after his discharge;

(3) Entering into a new agreement with another owner within one week after his discharge;

(4) Criminal offenses under sections 224, 226, and 227 of this chapter; or

(5) Unjustifiable repudiation of the shipping articles. (Code 1970, tit. 19, § 221.)

§ 222. Offenses against the internal order of the vessel. — (1) Any seaman on a Trust Territory vessel who commits any of the following offenses may, in addition to any criminal penalties provided in this chapter, be punished by the master as follows:

(a) For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the

commencement or during the progress of the voyage, or for absence at any time, without leave and without sufficient reason, from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' wages or wages sufficient to defray any expenses which shall have been properly incurred in hiring a substitute;

(b) For quitting the vessel without leave before it is placed in security, by forfeiture from his wages of not more than one month's wages;

(c) For intoxication or wilful disobedience to any lawful command, by being placed in restraint until such intoxication or disobedience shall cease and by forfeiture from his wages of not more than four days' wages;

(d) For continued intoxication or wilful disobedience to any lawful command or continued wilful neglect of duty, by being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every twenty-four hours continuance of such intoxication, disobedience or neglect, of a sum of not more than twelve days' wages;

(e) For wilfully damaging the vessel, or embezzling or wilfully damaging any part of the stores or cargo, whether on board the vessel, in boats or ashore, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained;

(f) For any act of smuggling, whereby loss or damage is occasioned to the master or shipowner, by payment to such master or shipowner of such a sum as is sufficient to reimburse the master or shipowner for such loss or damage; the whole or any part of his wages may be retained in satisfaction or on account of such liability;

(g) For assaulting any master, pilot, or officer, by forfeiture from his wages of not more than three months pay;

(h) For mutiny or desertion, by forfeiture of all accrued wages.

(2) All earnings forfeited as a result of penalties imposed by the master pursuant to this section shall be applied to reimburse the master or shipowner for any loss or damage resulting from the act for which the forfeiture was imposed, and the balance with an accounting thereof shall thereupon be forwarded to the director. (Code 1970, tit. 19, § 222.)

§ 223. Corporal punishment. — Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and any master who shall violate the provision of this section shall be guilty of a misdemeanor. (Code 1970, tit. 19, § 223.)

§ 224. Drunkenness, neglect of duty. — Whoever, being a master, seaman, or other person on any vessel, by wilful breach of duty or by reason of drunkenness does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or its cargo, or tending immediately to endanger his life or limb or the life or limb of any person belonging to or on board such vessel, or by wilful breach of duty or by neglect of duty or by reason of drunkenness refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel and her cargo from immediate loss, destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be subject to a fine of not more than two hundred fifty dollars. (Code 1970, tit. 19, § 224.)

§ 225. Desertion. — (1) Any seaman who deserts his vessel with the intention of not returning to duty and who remains unlawfully in a foreign country shall be guilty of desertion and shall be liable to answer for any damages or losses suffered by the shipowner as a consequence of such desertion.

(2) The master shall make an entry of all desertions in the logbook and file a report with the office of the director. The local authorities of the port shall be notified and requested to apprehend and deliver the deserter. (Code 1970, tit. 19, § 225.)

§ 226. Incitement of revolt, mutiny, riot, etc. — Whoever, being of the crew of a Trust Territory vessel, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires or confederates with any other person on board to make such revolt or mutiny, or solicits, incites or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officers of such vessel, or refuses or neglects his proper duty on board thereof, or betrays his proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than one thousand dollars, or imprisoned for not more than five years, or both. (Code 1970, tit. 19, § 226.)

§ 227. Revolt or mutiny of seamen. — Whoever, being of the crew of a Trust Territory vessel, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny and shall be fined not more than two thousand dollars, or imprisoned for not more than ten years, or both. (Code 1970, tit. 19, § 227.)

§ 228. Entry of the offenses in logbook. — Upon the commission of any offense, an entry thereof shall be made in the official logbook of the vessel on the day on which the offense was committed and an entry made of any penalty or fine imposed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still on the vessel, shall, before next arrival of the vessel at any port or, if it is at the time in port, before its departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. (Code 1970, tit. 19, § 228.)

§ 229. Abandonment of seamen. — (1) Whoever, being master or in charge of a Trust Territory vessel, maliciously and without justifiable cause forces any member of the crew of such vessel on shore in order to leave him behind in any foreign port or place, or refuses to bring to such place as is required under the articles any member of the crew of such vessel in condition and willing to proceed when the master is ready to proceed, shall be fined not more than five hundred dollars.

(2) The abandoned seaman shall retain his right to repatriation. (Code 1970, tit. 19, § 229.)

§ 230. Freedom of association. — Seamen and their employers, without distinction whatsoever, shall have the right to establish and to become members of organizations of their choosing, subject always to Trust Territory jurisdiction. (Code 1970, tit. 19, § 230.)

§ 231. Time limit. — (1) The following rights of action are subject to a one year prescription:

(a) Claims arising out of the shipping articles.

(2) The following rights of action are subject to a two year prescription:

(a) The right of action for death of a seaman caused by wrongful act, neglect or default on the high seas;

(b) Claims of the shipowner against the master for acts committed during the performance of his duties;

(c) All other tort claims.

(3) All other claims are subject to a three year prescription.

(4) The period of prescription of the claims laid down in the preceding subsections runs from the time when the right of action accrues. (Code 1970, tit. 19, § 231.)

§ 232. Director to make rules and regulations. — The director may make rules and regulations not contrary to the provisions of this title relating to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, and compensation for sickness, injury or death of masters, seamen and seagoing laborers employed on vessels documented under the laws of the Trust Territory. Such rules and regulations, when signed and approved by the High Commissioner, shall have the force and effect of law. (Code 1970, tit. 19, § 232.)