

ture and probable length of the voyage is to be stated).

The seamen agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of an individual who lawfully succeeds the master, and of their superior officers in everything related to the vessel, and the stores and cargo of the vessel, whether on board, in boats, or on shore. In consideration of this service by the seamen to be performed, the master agrees to pay the crew, as wages, the amounts beside their names respectively expressed, and to supply them with provisions according to the annexed scale.

It is agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the embezzlement or destruction.

If an individual holds himself or herself out as qualified for a duty which the individual proves incompetent to perform, the individual's wages shall be reduced in proportion to the incompetency.

It also is agreed that if a seaman considers himself or herself to be aggrieved by any breach of this agreement or otherwise, the seaman shall present the complaint to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall take steps that the case requires.

It also is agreed that (here any other stipulations may be inserted to which the parties agree, and that are not contrary to law).

In witness whereof, the parties have subscribed their names to this agreement, on the dates beside their respective signatures.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

Signature of seaman	Time of service:
Birthplace	Months
Age	Days
Height:	Hospital money
Feet	Whole wages
Inches	Wages due
Description:	Place and time of entry
Complexion	Time at which seaman is to
Hair	be on board
Wages each month	In what capacity
Wages each voyage	Allotment payable to
Advance wages	Conduct qualifications
Amount of monthly allotment	

NOTE.—In the place for signature and descriptions of individuals engaged after the first departure of the vessel, the entries are to be made as above, except that the signature of the consul or vice consul, customs officer, or witness before whom the individual is engaged, is to be entered.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 562; Pub. L. 103-206, title IV, §402, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10304 .....	46:713

Section 10304 provides the form of the shipping articles of agreement. While the exact format need not be followed, the form that is used must contain all the pertinent elements.

AMENDMENTS

1993—Pub. L. 103-206 struck out "Shipping commissioner's signature or initials" immediately below "In what capacity" in the form.

§ 10305. Manner of signing agreement

The agreement required by section 10302 of this title shall be signed—

- (1) first by the master and dated at that time, after which each seaman shall sign; and
- (2) in the presence of the master or individual in charge.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 563; Pub. L. 103-206, title IV, §403, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10305 .....	46:565

Section 10305 describes the procedures for signing the shipping agreement, and for keeping official records of the agreement. It also requires that the agreement include a statement that the seaman understand its provisions, and did so while sober.

AMENDMENTS

1993—Pub. L. 103-206 struck out "(a)" before "The agreement", substituted "the master or individual in charge" for "a shipping commissioner" in par. (2), and struck out subsecs. (b) and (c) which read as follows:

"(b) When the crew is first engaged, the agreement shall be signed in duplicate. One of the copies shall be retained by the shipping commissioner. The other copy shall contain space for the description and signatures of seamen engaged subsequent to the first making of the agreement, and shall be delivered to the master.

"(c) An agreement signed before a shipping commissioner shall be acknowledged and signed by the commissioner on the agreement in the manner and form prescribed by regulation. The acknowledgment and certification shall include a statement by the commissioner that the seaman—

- "(1) has read the agreement;
- "(2) is acquainted with and understands its conditions; and
- "(3) has signed it freely and voluntarily when sober."

§ 10306. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10302 of this title, each individual required by section 8701 of this title to have a merchant mariner's document shall exhibit to the master or individual in charge a document issued to the individual, appropriately endorsed for the capacity in which the individual is to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103-206, title IV, §404, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	Source section (U.S. Code)
10306 .....	46:643(c)

Section 10306 requires a seaman to exhibit an appropriately endorsed merchant mariner's document to the shipping commissioner before signing a shipping agreement. When a master acts as a shipping commissioner, the same procedure applies.