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Sailors, Crimps, and Commerce: Laws Protecting Seamen, 1866–1884

Abstract: Nineteenth-century seamen were subject to exploitation by boardinghouse keepers who recouped seamen's debt by pocketing their advance wages from a future voyage. New York's 1866 Act for the Better Protection of Seamen, the U.S. Shipping Commissioners Act of 1872, and the 1884 Dingley Act all purported to respond to this practice of "crimping," but each of these acts simply allowed for new arrangements that continued to exact money from seamen. Even when corruption or collusion operated and were publicly known, such practices were tolerated because they continued to provide a steady supply of maritime labor, which promoted maritime commerce. This article considers the misleading political development of this legislation in the context of the early years of spoils reform.

Keywords: New York's 1866 Act for the Better Protection of Seamen, U.S. Shipping Commissioners Act of 1872, Dingley Act of 1884, 19 c. maritime labor supply, labor exploitation, maritime labor protection, the Seamen's Act of 1915, Coast Seamen's Union

A nineteenth-century ship arriving at port could expect to be greeted by boardinghouse runners, rowing out to ships to lure seamen to their establishment. Once there, the boardinghouse keeper would ply the seaman with food, lodging, liquor, gambling, and/or prostitutes, put on credit once the sailor ran out of money. He would then bring the seaman to the dock, make

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arrangements for his next voyage with a captain, put the sailor on a ship, and, finally, pocket the seaman's advance wage as payment of his debt. Seamen on shore were left to the mercy of such "crimps."¹

Stories of such exploitation circulated in tracts and songs, but seamen were largely left to the mercy of crimps. The years after the Civil War saw sudden, innovative protective legislation at both the state and federal levels. New York's 1866 Act for the Better Protection of Seamen in the Port and Harbor of New York required that boardinghouse keepers secure a license from a newly instituted Board of License Commissioners. The 1872 U.S. Shipping Commissioners Act established federal officers in U.S. ports to oversee the shipping and discharge of seamen. Although the stated purpose of these acts was to protect vulnerable sailors on shore, neither act lived up to its promises. New York City boardinghouse licenses lapsed without penalty. Boardinghouse keepers in major port cities combined to form associations to intimidate the new federal shipping commissioners and resist the law. Under both the state and federal laws, boardinghouse keepers resumed their old practices.

However, these laws did provide new opportunities for spoils. This is particularly illustrated in C. C. Duncan, who enjoyed a long career as a ship captain and ship broker before he became a member of the Board of License Commissioners of New York. He teamed up with a charitable society, the Seamen's Friends Society, to make New York's law the basis for the 1872 U.S. Shipping Commissioners Act. With that he landed himself the appointment as New York's first federal shipping commissioner. Commissioner Duncan set up an office near the waterfront and hired deputies and clerks. Seamen received their wages at the shipping office and were welcome to cash or deposit their check at the in-house Seamen's Savings Bank. Duncan was president of that bank. All services provided in the shipping office were fee based. Those fees generated the revenue that funded the administration of the office, with any remaining revenue to go to a federal fund for shipwrecked and destitute seamen. However, very little money ever made it to that fund because the office produced little surplus. The deputies and clerks included Charles Duncan, Henry Duncan, and George Duncan—all Captain Duncan's sons. A fourth son was added to the payroll when he turned 19. They were paid more than clerks who were actually experienced in private shipping offices. In years that the office brought in more fees, the salaries of staff—namely Duncan's sons—increased until expenses matched revenue. Commissioner Duncan required the other staff members to buy tickets to performances put on by his sons.²

Commissioner Duncan's activities were known to the public. His early dealings on the New York State Board of License Commissioners were under investigation by state and federal officials while he served as U.S. Shipping Commissioner. Duncan even came under the scrutiny of Mark Twain, who had been a passenger on Duncan's cruise to the Holy Land in 1867. Lambasting this experience in *Innocents Abroad*, Twain mocked Duncan's moralism and fraudulence, leading to years of sporadic public feuding between the two in rival New York newspapers. Twain became forthright in 1883, as a new inquiry looked into his office, calling Duncan:

a canting hypocrite, filled to the chin with sham godliness and forever oozing and dripping false piety and pharasaical prayers. I know his word to be worthless. It is a shame and a disgrace to the civil service that such a man was permitted to work himself into an office of trust and responsibility... . The act creating the 'Shipping Commission,' concocted by himself for his own profit, was simply and purely an act to creat[e] a pirate—a pirate that has flourished and still flourishes.³

Duncan's well-publicized activities in New York were mirrored to lesser extents by shipping commissioners in other major port cities—namely, San Francisco. The Shipping Commissioner's office was a post ripe for nepotism and spoils and collusion in any port. Seamen who were supposed to be protected by the federal law continued to be exploited, by parties old and new.

In 1884, Duncan was removed from office and the Shipping Commissioners Act was replaced by the Dingley Act, which provided for closer oversight and reorganized the office into the Treasury Department. New York's law to protect seamen in 1866, the U.S. Shipping Commissioners Act of 1872, and the Dingley Act of 1884 seem to follow a classic pattern of political development. Reformers invoked a vulnerable sailor to legitimize the use of protective statutory authority, much like the use of gender as an "entering wedge" for labor legislation in the Progressive Era.⁴ In an apparent transition from courts to parties, protection of seamen transitioned from admiralty law to state regulation to federal administration.⁵ Administrative capacity developed, with a state government first setting up a licensing commission as an early innovation. That was replaced by a new federal position that took in revenue, applied standards, and eventually provided more centralized administrative oversight over the far-flung shipping commissioners to keep in line with rules.⁶ Passed soon after the Pendleton Act, the

Dingley Act signaled a reform of Duncan-style spoils, but, like its predecessors, it did not protect seamen from crimps.

This series of laws is better understood within the relationship between charitable societies and nascent reform of the spoils system. Protecting seamen was a chance for commercial interests to join benevolent reformers to try to remove patronage appointments from maritime affairs in port. Commercial, and later, shipowning, interests had their own frustrations with the spoils system but were not themselves reformers; they relied on the authority to protect seamen to bypass the typical patronage system and establish practices that served their own interests. Despite mimicking the patterns of political development, the uses of legislative and administrative authority and innovation did not fulfill their purposes and were never really intended to. Congress established a new federal office to protect seamen, but the impetus arose from commercial interests in an era of spoils and operated as such.

The federal government always had the authority to protect sailors under its authority over maritime affairs, unlike other occupations, which would not achieve workers' protection until the Progressive Era and New Deal. The federal government regulated and protected seamen from the start. The First Congress passed the "fugitive seaman law" to enable masters to retrieve sailors who deserted a ship.⁷ Maritime labor was regulated under admiralty law.⁸ Protection certificates provided proof of citizenship to prevent American sailors from being impressed into the British navy.⁹ Federal law required that a medicine chest be kept on ships.¹⁰ Sailors paid into the fund for relief of sick and disabled seamen to receive health care on shore. Excess funds funded the construction of Marine Hospitals.¹¹

There were no federal efforts to protect seamen from predatory boardinghouse keepers until 1872. Maritime historians have suggested that crimping was tolerated because it provided a supply of labor for outgoing ships. Crimps played an instrumental role in the labor market, saving masters the work of rounding up crews.¹² The use of federal authority in matters pertaining to seamen—returning fugitive seamen, admiralty law, protection certificates, medicine chests, and marine hospitals—served the purpose of promoting maritime commerce.¹³ Maritime commerce was a significant source of federal revenue, and promoting its smooth flow benefited the nation's economy.¹⁴ In the case of crimping, the government's *inaction* allowed the boardinghouse keeper to operate as a nonstate actor to provide labor, and the need to protect sailors was moot. Seamen's welfare was incidental to promoting maritime commerce, and if crimps got sailors on board ships, then there was no need to protect sailors from them.

The puzzle, then, is not why the federal government was slow to protect sailors from crimping but, rather, why it suddenly did in the years after the Civil War. Legislators took an interest in seamen in a time of changing labor conditions. The Golden Age of Sail was waning, and the Yankee Sailor was becoming a thing of the past.¹⁵ Young men could now find work in growing industries on land rather than the harsh conditions on board ships. The shipping industry found itself with a labor shortage, particularly for the growing timber trade and deep water voyages out of Pacific ports. This situation led to increases in crimping, and its iteration, “Shanghaiing.”¹⁶ Crimping was generally known as a boardinghouse keeper pocketing the advance wages of a sailor. Stories of Shanghaiing involved a sailor getting drunk and waking to find himself on a long, deep sea voyage, which was essentially kidnapping. In west coast ports, boarding masters who procured sailors would expect to be paid blood money, a bonus for each sailor that they brought before a captain, the cost of which was passed along to sailors and taken from their advance wages.¹⁷

Crimping made for a really good story, told and sung by both seamen and by those who took on the task of coming to their aid.¹⁸ Seamen set themselves apart from land-based workers, peripatetic, with distinctive patois and peculiar clothing, perhaps tarred so as to waterproof them, earning the moniker, “Jack Tar.”¹⁹ He disembarked, with wages in his pocket, ready to make merry to escape the harsh labor aboard ship.²⁰ These colorful depictions of seamen on shore made them ripe for caricature. Combined with stories of crimps, they could be further cast as vulnerable rubes, taken advantage of. It is quite likely that crimping took on a life of its own in stories. Nevertheless, crimping did actually happen.²¹ At the heart of the lore of crimps lay the actual power that they wielded, not just over the fate of vulnerable seamen but as an organized network of boardinghouse keepers, owners of bars and dance halls, tailors, bought-off officials, and the numerous runners and such they employed.²² The crimps controlled an organized syndicate in the insular landscape of the waterfront.²³

Christian benevolent societies tried to crack that monopoly. Associations coming to the spiritual and material aid of seamen sprung up early in the nineteenth century, during the Second Great Awakening.²⁴ The American Seamen’s Friend Society was organized in 1828. Local chapters established outreach efforts in port cities across the country and around the globe. Society members distributed thousands of ecumenical tracts and offered schooling for sea apprentices, sea boys, and adult seamen and their families. They opened register offices and savings banks in port cities. They provided reading rooms

in boardinghouses where alcohol was prohibited and wages could be safe.²⁵ They erected buildings near the waterfront as an alternative to sailors' boardinghouses. They promised a meal, bed, and literature—religious and otherwise—for any sailor who was willing to give up drink during his stay and enjoy a safe harbor from the depravity of drink, prostitution, and gambling that pervaded the waterfront.

Seamen's Friends Societies routinely lamented that they did not host as many sailors as they would like.²⁶ Sailors *liked* the sailors' boardinghouses, and they kept returning to them. The boardinghouse keeper–sailor relationship was both exploitative and comradely; the boardinghouse keeper and his runners may well have been former sailors who knew how to cajole the sailor and take him into his confidence. He entertained the sailor even as he stripped him of his wages. He could be counted on to hide a sailor who needed it or set him up with fake papers.²⁷ The charitable societies knew they were in competition with the revelry of the sailors' boardinghouse. They circulated narratives about the beleaguered seaman, which was reinforced in popular literature, where crimps were notorious for swindling vulnerable seamen and become known as one of the many dangers of the big city.²⁸ In these accounts, newly arrived seamen were “inveigled” into the boarding master's den, where they would be “victimized in every way,”²⁹ in a Sodom and Gomorrah, with “wretched” seamen subject to “vile women” and the “irresistible bait of liquor and good cheer” set on robbing him of his wages and leaving him ruined and with nothing to do but subject himself to the travails of the hard conditions aboard ship once again.³⁰

Reformers had long circulated these cautionary tales and were largely ignored, but with a labor shortage and quality issue emerging, their stories could be taken up by others. Sailors were just not the sort of sailors they used to be. In 1855, the New York Seamen's Friend Society noted the decline in the number of seamen, who were turning to jobs on land, or to the gold rush, or if they were Scandinavian, joining the Eastern War. Nevertheless, tonnage had increased and ships were manned by “incompetent, worthless” men.³¹ This scarcity of seamen presented a stark visibility of sailors who had “deteriorated in character,” with a “forecastle now often filled with rascals and runaways.”³² The Baltimore Chamber of Commerce had sent a resolution to Congress in 1854 for a federal apprenticeship program, but it was considered to impede states' rights.³³ The National Board of Trade petitioned Congress for an apprenticeship program in 1870, noting foreigners “coming from the lowest and most degraded classes in Europe.”³⁴ They blamed the boardinghouse keepers for corrupting seamen.³⁵ The narrative of exploited sailors long

circulated by Seamen's Friends was now taken up by others who wanted to clean up crews and ensure a steady supply of reliable labor for the shipping industry. With a wider interest in the quality and the shape of seamen, at last there was a reason for legislatures to provide for the protection of seamen from boardinghouse keepers.

EARLY CIVIL SERVICE REFORM

The concern for the quality of seamen coincided with the early days of civil service reform. New York was a center of the spoils system, with the Democratic Tweed Ring running New York City politics until 1871. A faction of the Republican Party, led by Roscoe Conkling, controlled federal appointments in the city, particularly the U.S. Custom House and Post Office, with the level of patronage in the custom house approaching that of Tammany Hall.³⁶ In the 1869–70 fiscal year, customs accounted for \$194.5 million of the \$411.2 million in federal revenue, and New York's was the largest.³⁷ The custom house included hundreds of salaried positions, from Collector to clerks to inspectors to porters, all of those positions ready to be filled with party loyalists.³⁸ As Civil Service Reform Association member Dorman Eaton described, "Henchmen, personal favorites of every grade, political wire pullers and partisan manipulators of every hue and character rushed into the Custom-House and took the salaries." Official business was neglected, with shipments delayed. "Bribes and extortions were made conditions of doing the public business."³⁹ The use of spoils was open to any party. The party in power could award its loyalists, and the out-party could promise jobs if elected.⁴⁰

Major reform would finally come with the Pendleton Act of 1883, but that arrived after years of repeated attempts and setbacks. During this period, members of any party were quite capable of simultaneously engaging in reform and delivering spoils.⁴¹ President Grant's short-lived Civil Service Commission was an early measure, but he aligned his political power with the Conkling faction and continued to enjoy the benefits of patronage.⁴² In 1871 a newly created Committee on Investigation and Retrenchment looked into rumored collusion and bribery in the New York Custom House. The process seemed rigged from the start. The Senate used an unconventional method of selecting committee members, choosing them by resolution, resulting in six of the seven committee members being those who were explicitly hostile to a rigorous investigation of the civil service and the custom house.⁴³ Chaired by Senator William Buckingham of Connecticut, the committee decamped to New York City to hear the testimony of 150 witnesses, producing

2,200 pages of testimony. The majority report recounted plenty of stories but found no “monstrous abuse.”⁴⁴ The committee admitted that all of the testimony was “partial and partisan,” and this investigation could not serve as the basis of major reform of custom houses.⁴⁵ The minority Senate Report noted its surprise that the majority submitted its report before all the hearings were done.⁴⁶

Although the committee report was inconclusive about actual proof of corruption, the thousands of pages of testimony did expose some of the standard operations of the custom house. First was the use of political assessment. Once they got a position, clerks needed to return the favor by paying the party out of their salary. They made up for the cost by exacting bribes from those whose goods passed through the custom house.⁴⁷ Second, the moiety system invited custom house officials to find goods to be fraudulent. The person who identified fraud was awarded one-third of the confiscated goods, the top officials of the custom house another third.⁴⁸ This incentive system sent custom house staff actively looking for fraud. Third and most notoriously, the investigation revealed the dealing behind the general-order business. Goods that passed through customs remaining unclaimed after 48 hours were sent to warehouses by the Collector of the Port. Those warehouses were a source of spoils.⁴⁹ The testimony revealed the extent to which George Leet and his partner Wilbur Stocking were granted a monopoly on the custom house’s use of warehouses.⁵⁰ The cost of all these practices was passed along to the merchants whose goods passed through the custom house. Spoils were bad for business.⁵¹

Spoils led to negligence of duty, delays, bribery, warehousing decisions, and other practices that held up goods arriving at port. New York bankers and financiers, in competition with the banks of Tammany Hall, ended the Ring and its banks as well, securing dominance over banking again.⁵² The spoils system meted out jobs of unqualified and uninterested rank-and-file party members, who did not deliver government services.⁵³ In New York, the Chamber of Commerce protected business interests from patronage, and it was enlisted in the investigation of the custom house. While hearing testimony in New York, Senator Buckingham asked the Chamber for any suggestions that would ensure the “faithful collection of revenue without fraud and the least possible embarrassment to commerce.”⁵⁴ The Chamber formed a special committee and forwarded recommendations.⁵⁵

The New York Chamber of Commerce had a long interest in port affairs. It monitored the use of quarantine to be sure that public health measures did not exceed their authority and hold up ships and crews in harbor.⁵⁶ It

promoted liberal compensation for mail service by ship. It sided with business interests in the local coopers strike.⁵⁷ It urged Congress to protect American shipping interests.⁵⁸ Given that maritime goods had to pass through the custom house, the New York Chamber of Commerce was closely interested in the New York custom house. In 1857 the Chamber assisted the New York custom house with a schedule of fees and storage rates.⁵⁹ The Chamber was concerned about rates charged to move goods through the New York harbor and through payment of duties, particularly when these tasks required payment to officials. It fostered an opposition to bribery, joining the Produce Exchange, Grocers Board of Trade, Shipowners Association, and Vessel Owners Association to demand an end to harbor masters passing along their party costs to the merchants who used their services. A committee comprised of these groups recommended that movement and management of the docks be placed under Dock Commissioners, providing free services to shipping.⁶⁰ The recognized but unprovable practices of the custom house revealed in the investigation passed costs along to merchants. The Chamber of Commerce was supportive of measures that secured public officials from political influence in getting the job or in its operation. The Shipping Commissioners Act, erecting a federal official to oversee shipping of sailors through appointment by federal circuit court judges, offered a possible alternative to the familiar spoils system.

NEW YORK 1866 ACT FOR THE BETTER PROTECTION OF SEAMEN

New York was one of the first states to protect seamen with the 1866 Act for the Better Protection of Seamen in the Port and Harbor of New York. The Seaman's Friends Society claimed it had long been interested in obtaining this "humane and beneficent" law.⁶¹ The inclusion of maritime labor in admiralty law preserved it from state interference, but if localities wanted to act on maritime affairs that affected their city and did not actively contradict admiralty law they could act.⁶² There was a precedent for it, with antebellum Supreme Court decisions, such as *Cooley v. Board of Wardens* and *Mayor of New York v. Miln*, recognizing that local governments could regulate local piloting and surety bonds for immigrants, respectively, if they did not interfere with a congressional exercise of the commerce clause.⁶³ The use of pauper bonds, which was upheld in *Miln*, required masters of immigrant ships to post bonds for the passengers to guard against the city having to care for them under the poor laws, putting an inconvenience upon shipowners.⁶⁴ This practice gave rise to shipbrokers, who assumed responsibility in place of the

shipowners and took advantage of immigrants.⁶⁵ Reformers urged the state to pass a law in 1847, erecting a Commissioner to oversee the arrival of emigrants in New York. The Commission established itself at Castle Garden, warding off immigrant boardinghouse keepers and their runners.⁶⁶ That commission lasted from 1847 until 1860, years before the act to protect seamen, providing the state with the authority and capacity to prevent boardinghouse runners from interfering in arriving ships.

Under the 1866 act, the only person who could board a ship before it was fixed to the wharf was a pilot or a public official. Runners were prohibited from rowing out to greet incoming ships. Boardinghouse keepers could only board the ship once it was docked, and they had to be licensed. The law created a Board of Commissioners in New York and Brooklyn that would license sailors' boardinghouses and maintain a system of inspections. The board would be comprised of members of The Chamber of Commerce of the State of New York, the American Seamen's Friend Society in New York, the New York Board of Underwriters, the Marine Society of New York, and the Society for Promoting the Gospel among Seamen in the Port of New York. After paying expenses of the Board, any additional revenue would be directed toward the fund for shipwrecked and destitute seamen.⁶⁷

Reformers were optimistic, as the Board was expected to crack down on unlicensed boardinghouses.⁶⁸ Within just a few years, however, *The Seamen's Friend* noted that licensing was honored in the breach. A license might be displayed at a boardinghouse, but it was likely to be expired, as the Board was lax in issuing licenses. The Board had no enforcement authority, and boardinghouses simply flouted it.⁶⁹ Revenue cutters roamed the harbor, but they were federal boats looking for customs violations, not violations of the state law regarding boardinghouse keepers, so runners were back to their old practice of rowing out to ships.⁷⁰ Shipowners were "compelled to abandon the sailor to the mercy of his tyrants"⁷¹ and to go back to staffing crews from sailors' boardinghouses.

Among the members of this ineffectual Board was Captain Duncan.⁷² He fostered ties with benevolent groups, becoming an officer of the Seamen's Benevolent Association in 1869.⁷³ Duncan's tension with Twain emerged as he was shaping the licensing board in his own favor. He was not faithfully implementing the law, and he was using the office for graft. Surplus funds were to go to the fund for shipwrecked and destitute seamen, but very little actually made it there. The rest of the revenue went back into administration of the Board of License Commissioners, of which Duncan was eventually the sole

member.⁷⁴ The Board never got around to making bylaws. The Board stopped penalizing boardinghouses for violations of the 1866 law.⁷⁵

U.S. SHIPPING COMMISSIONERS ACT OF 1872

By the time these infractions were made public, Duncan had left the New York Board of License Commissioners to become the first Shipping Commissioner of New York under the federal Shipping Commissioners Act of 1872, an act that he and the Seamen's Friends had a hand in promoting. The Seamen's Friend Society of New York was among the "powerful humane societies" that first petitioned the U.S. House of Representatives in 1870 for its passage.⁷⁶

The Act was modeled on England's Merchant Shipping Act of 1854, which established a centralized Board of Trade that had general supervision over merchant ships and seamen. The British Act established local marine boards, supervised by the Board of Trade, which were required to establish shipping offices in port cities to engage and discharge seamen and settle fees. The 1872 U.S. Shipping Commissioners Act would have similar provisions, dealing with the shipping, care, and discipline of seamen, as well as provisions for apprentices, damage to ships, and other related matters in its 68 sections, but the U.S. Act adjusted for the American context.⁷⁷ Anticipating charges that the Act would incorporate monarchical tendencies, the U.S. Act bypassed the centralized Board of Trade with supervision over officials in port cities.⁷⁸ Instead the U.S. Act erected a new federal position, the shipping commissioner, who would preside over all transactions between shipmaster and seaman, to guard against interference by boardinghouse keepers. To avoid patronage, circuit court judges appointed shipping commissioners and had the power of removal.⁷⁹

The idea of a federal law protecting seamen was not entirely new. Merchants and shipmasters had petitioned Congress in 1846, concerned that an increase in sailors who prosecuted against vessels in admiralty courts was due to boardinghouse keepers who were actually bringing the suits.⁸⁰ The Secretary of the Navy suggested that seamen be protected from "land-sharks and swindlers" in 1869.⁸¹ A bill had been introduced in the 41st Congress and passed by the Senate, but ran out of time. Representative Conger of Michigan reintroduced it to the 42nd Congress, with Senator Buckingham its sponsor in the Senate. The bill was recommended by the Seamen's Friends Society, The New York Chamber of Commerce and the New York Board of Trade, the Board of Trade of San Francisco, and other such organizations.⁸² Supporters of the bill, drawing from the narrative of Seamen's Friends, circulated stories

of the vulnerable seamen “fleece” by the “knaveish landlord” in a “nefarious business.”⁸³ Sailors were singled out as a particular class of workers that were preyed upon, mercilessly robbed of their wages, and then sent back out on another voyage, possibly drunk and senseless.⁸⁴

Objections within the House suggested other motives. Representative Wood of New York, a former shipowner and merchant and recipient of his share of spoils,⁸⁵ acknowledged the vulnerability of seamen to crimps but found a lack of actual support for sailors in the details. The bill did not require that ships carry extra clothing or fuel for the forecabin for the protection of seamen on board ships.⁸⁶ And he saw no real protection from the boarding-house keeper. To really protect them, the bill should make boardinghouse keepers accountable and get at their overcharging, their “cunning devices.” The powers taken from the shipping industry and given to the shipping commissioner were given purportedly to protect the sailor, but the Act neglected to prohibit the shipping of an intoxicated sailor, which was often the cause of Shanghaiing.⁸⁷ Furthermore, the law should be circulated, to inform seamen of these protections.⁸⁸

Senator Stockton, Democrat from New Jersey, drew attention to the drastic changes in this bill, shifting regulation of seamen from admiralty law to a newly created office, without providing actual protections for seamen. He probed into the origins of this bill, what its objective was, and whether it arose from complaints of seamen themselves.⁸⁹ Senator Buckingham allowed that that question could not be fully answered because the vote on the bill was happening that night but expressed, “I will simply say that it has been well considered by men better qualified to judge of its merits than I am.”⁹⁰ When presented with the bill in 1870, shipowners in New York had worried that the bill would place management of shipping “in the hands of an army of Government officials” and set up obstacles to commerce.⁹¹ Those sentiments were echoed in Congress in 1872. Wood was concerned that if the office was fee based, then the shipping commissioner had an incentive to drum up services. The fees would come out of the pockets of shipowners, which would be passed along to seamen themselves.⁹² Fees would essentially be a government tax on seamen for the privilege of working.

Wood drew attention to the mode of judicial appointment of the shipping commissioner, which would not guarantee a suitable candidate. He pointed to the selection of New York election officials by circuit court judges, who lacked familiarity with the available pool. Others had to advise the judge, which provided an avenue for men of questionable morals and character to serve as the supervisors and inspectors of elections.⁹³ The power given this newly

created office of shipping commissioner would give a judicially appointed shipping commissioner power over the everyday operations of staffing and discharging crews, interfering with the operations of the ship captain and owners. For these reasons, Representative Wood produced a signed remonstrance from shipowners in opposition to the law. He claimed it was signed by three out of four of the Atlantic European shipowners of New York.⁹⁴ The remonstrance pointed to interference in the rights of employer and employed, a burdensome tax on the tonnage of the country, and the creation of “a horde of needless officeholders over our vast sea-board.”⁹⁵

Representative Conger countered that this bill was supported by the New York Chamber of Commerce, comprised “mostly of shipowners, shippers, importers, merchants, and leading businessmen of New York.”⁹⁶ Indeed, the New York Chamber of Commerce committee that handled maritime affairs included shipbuilders, naval architects, shipping line owners, shipping firm owners, and former ship captains.⁹⁷ Wood retorted that the Chamber did not contain even 1/10 of the shipowners of New York and that it was made up of lawyers, bankers, traders, railroad speculators, and the like.⁹⁸ Conger essentially conceded that they would have to agree to disagree and produced a resolution in support of the bill from the New York Chamber of Commerce and the Seamen’s Friends Society.⁹⁹ Wood wanted the shipping commissioner’s fee reduced, but Conger said that the fee was fixed by the New York Chamber of Commerce.¹⁰⁰ Captain Duncan had explained the bill to the Chamber of Commerce and spoke on its behalf before the House Commerce Committee.¹⁰¹ The ubiquitous presence of the New York Chamber of Commerce throughout the process indicates that the Chamber affiliated with reformers to set up a federal office, replace patronage with judicial appointment, and erect a new method of shipping sailors. These changes could bypass the usual practices of crimping and the partisan appointments of the patronage system. These changes promised a steady flow of commerce.

In its early days, it did indeed look like the Shipping Commissioners Act would provide a federally based shipping service. Any seaports that had a collector of customs would establish shipping commissioners, appointed by the circuit court.¹⁰² The statute fixed the Shipping Commissioner’s salary at \$5,000.¹⁰³ He could hire clerks.¹⁰⁴ He was to lease premises for the shipping office at his own cost, but costs could be met by the revenue of the office. Duncan set up New York’s Shipping Commissioner’s office at 187 and 189 Cherry Street, near the sailors’ boardinghouses.¹⁰⁵ The office was open 8–5, with outdoor employees working any time of day, ship arrival dependent upon the tide.¹⁰⁶ Aside from the basic statutory requirements, he used his

discretion to establish procedures to engage and discharge seamen, conduct relations with seamen in the shipping office, and keep boardinghouse keepers out of the negotiations for assembling crews for a new voyage. A captain would come into the office, arrange the form of agreement with a deputy on forms provided by the office, and sign a request to furnish a crew. He would return at an appointed time to meet sailors on the floor. The captain and deputy would stand behind a rail, calling out to chosen men. Selected sailors would have the voyage explained to them, and any pertinent background of the seaman would be shared, and they then signed articles of agreement. Any advance notes were filled out—one to two months of wages paid in advance, to be paid to the chosen recipient three days after the ship left port. This measure would replace the practice of crimps accompanying the seaman and pocketing advance wages. The crew would be notified of departure time, when the outdoor officer would round up seamen from the various boardinghouses, replacing the old practice of crimps. If any were found drunk, they were removed and replacements found. Representatives from the shipping commissioner's office would see off the crew on the deck of the ship, seeing through the exclusion of crimps until the end.¹⁰⁷ Captains would likewise visit the shipping commissioner's office when they arrived in port in order to discharge their crew, entering the office with their articles of agreement and official log. The next day the captain paid each crew member in the presence of a shipping commissioner employee. Any disagreements would be resolved there. The seaman would then be given his discharge papers.¹⁰⁸

The office established procedures to block sailors' boardinghouse keepers. The Shipping Commissioner met disembarking seamen at the dock with an express wagon to intercept any runners sent by the boardinghouse keepers and took the men directly to the Seamen's Exchange Building. There was a room downstairs for them to keep their luggage before the men gathered in the reading room on the second floor. They would be sent "by squads" to a window, where they received certificates or checks on the Sub-Treasury from the Paymaster. They could then cash or deposit these checks with the Seamen's Savings Bank, the President of which happened to be Captain Duncan.¹⁰⁹ Duncan's office had seven deputies. Three of those employees included his sons, Charles D., Henry, and George.¹¹⁰ Charles was a deputy to the Shipping Commissioner, George a cashier of the bank. Henry was in charge of the steamship department.¹¹¹

Upon entering office, Commissioner Duncan issued a circular that put crimps on notice.¹¹² The Act "came like a thunderbolt" to the insular world of sailors' boardinghouse keepers,¹¹³ and roughly two-thirds of the sailors

boardinghouse keepers descended on the shipping commissioner's office to let him know that he would have to go through them to ship sailors.¹¹⁴ They told him "in a forcible manner" that he should send seamen to boardinghouses designated by the association and hand over advance wages when seamen owed them to landlords. Finally, he should allow the boardinghouse proprietors to "settle matters according to their own notions of right and wrong." They intimidated him for days.¹¹⁵ Commissioner Duncan responded by securing federal indictments for fifty of them.¹¹⁶ The courthouse was crowded with "Fourth Ward roughs," smoking, chatting, "giving vent to their indignation in words and curses, not loud but deep."¹¹⁷ They responded in turn by outright defying the Shipping Commissioner's office and welcoming captains to make arrangements for manning their ships directly with them.¹¹⁸

Although Congress had the authority to pass the Shipping Commissioners Act and to strengthen the administration of maritime issues in port cities, the shipping commissioner's office lacked an enforcement mechanism to effectively carry out its operations on the waterfront. Soon enough it was common knowledge that boardinghouse runners continued to row out to incoming vessels and lure seamen to their boardinghouses.¹¹⁹ They considered the federal law "a dead letter."¹²⁰ As sailors' boardinghouse keepers flouted the law, Captain Duncan admitted that he was powerless to stop it. For a brief period in July 1873, the harbor police fended off the runners, but then stopped. The police had dispatched five officers to stop runners, but unlicensed boardinghouse keepers put political pressure on the police commissioners, and the officers were withdrawn. The police commissioner explained that he did so because Captain Duncan was a "dead beat" who was "playing his own game" with his official position.¹²¹ His activities included the most petty: A former member of the Seaman's Exchange reported that staff members were required to buy a package of tickets for \$11 to attend a semimonthly concert at the exchange, with performances featuring Captain Duncan's sons.¹²²

Boardinghouse keepers suggested that Duncan was profiting from his role as Shipping Commissioner to "hoodwink" the Christian Seaman's Friends society.¹²³ They pointed out that under the federal law, it was now Shipping Commissioner deputies who could coerce a sailor on board a ship, merely replacing the boardinghouse keeper, making it "legalized 'Shanghaiing.'"¹²⁴ The Shipowners Association joined the chorus, charging that the Shipping Commissioner deprived them of recourse to admiralty courts.¹²⁵ In 1873, thousands of mariners' signatures were added to a petition for repeal of the Act, citing its passage as "a total surprise," which deprived them of the

traditional use of admiralty courts, leaving them “at the mercy of the shipping commissioners for employment.” Mariners’ petitions also pointed to a tax on their labor, which was not exacted for laborers on shore. They could do without this “further protection of seamen” and would like to be treated like land-based workers.¹²⁶

San Francisco’s shipping commissioner was not as notorious, but his office shared some features with New York’s. Colonel J. D. Stevenson was originally from New York, where he was affiliated with Tammany Hall. In 1846, he was appointed by President Polk to lead an expedition of the New York Volunteers around Cape Horn to California.¹²⁷ He remained in California, profiting in the mining and real estate industries until appointed shipping commissioner in 1872.

San Francisco’s shipping commissioner’s office was located at the corner of Jackson and Front Streets over two storefronts. The office consisted of large open lofts broken up into rooms—one for seamen to gather to be selected to ship; one for the commissioner’s office; one for a private office for the commissioner, where shipmasters could gather; a paymaster’s office; a reading room and library for sailors; an examining surgeon’s office; and a large room for the Shipping Exchange, which could be used as a chapel on Sundays.¹²⁸ There was a clerical force of 12 men.

Masters of vessels entered their orders for a crew into a register, recording the nature of the voyage, the number and capacity of men, wage rates, amount of advance wages, whether paid in currency or coin, and other information.¹²⁹ The shipping commissioner posted a notice calling for seamen in a conspicuous place at the public entrance to the office and in the shipping room. At the time of selection, the Shipping Commissioner would explain to each seaman the contract he was entering into. The Shipping Commissioner arranged for the payment of any advance wages to the seaman, his wife, or his mother.¹³⁰ The shipping office kept a register of all seamen shipped or discharged, noting their character, residence, and name of ship.¹³¹ In the first year, the office oversaw the discharge of 3,513 seamen and shipping of 4,502 on 136 ships, 90 barks, 16 brigs, and 61 schooners.¹³²

Commissioner Stevenson disrupted other forms of extortion particular to San Francisco. Sailors had also been subject to a poll tax in California, establishing residency if they stayed at a sailors’ boardinghouse, with the tax taken out of their wages. Stevenson posted placards on pier heads, making it clear that he would resist any attempt to garnish seamen’s wages. A state official approached him, urging him not to execute the law so strictly, as he had a cut of the garnishing of sailors’ wages, and offered to include the shipping

commissioner.¹³³ Stevenson declined. The informal local practice of a \$5 runners' fee was not touched by the Act, but Stevenson made a rule that he would refuse to ship any sailor from a boardinghouse keeper who charged such a fee.¹³⁴

Stevenson's own collusion took a different form. Although New York's boardinghouse keepers were a visibly rough lot, San Francisco's boardinghouse keepers—or at least some of them—found a way to work with the shipping commissioner. San Francisco businessmen formed the Boarding Masters Association of the Port of San Francisco, with its own constitution and executive officers. Its purpose was to carry out the new Shipping Act, and it was comprised of all duly licensed boardinghouse keepers. Its members included the proprietor of the Mariners House, a hotel proprietor, saloon keepers, a clerk, a U.S. district officer of the custom house, and the manager of a life insurance company.¹³⁵ This association shipped 90% of deep water sailors in and out of the port. Although Stevenson acknowledged that he did not have to ship solely from the association, the association was “the only real reliable resource from which we can obtain crews.”¹³⁶

Anyone in this association enjoyed their share of spoils. The San Francisco shipping houses that lost out under the new Act organized to press charges against Shipping Commissioner Stevenson for failing to discharge the duties of his office, launching a formal investigation. Stevenson was charged with refusing to ship seamen except those furnished by the Landlords Protective Association. He compelled masters of ships to deposit advance securities through the company of Casey and Chute, erecting a system of blood money. A man who tried to ship outside of the Landlords Association was known as “A man who forgot to see Casey,” and the shipping commissioner would refuse to ship him.¹³⁷ He required each seaman to be examined by Dr. Adolphus, costing fifty cents, deducted from their wages.¹³⁸ Certainly there was collusion before, when landlords would pay money to a shipping master.¹³⁹ This practice had not been stopped, it was only shifted. The arrangement between Stevenson and select boardinghouses acted as the shipping service that the law did not provide for, serving public purposes.

In November 1873, Senator Buckingham issued a questionnaire to shipping merchants in major port cities, inquiring how shipping was faring under the Shipping Act. The questionnaire was intended to determine the foreign countries with which the merchants were engaged in trade, and the first question asked whether they experienced delay in shipping crews. This is significant, as that was really the abiding concern—whether the Shipping Act

kept ships staffed and kept commerce moving. Other questions asked whether it cost more to ship seamen and about sailors and boardinghouse keepers.¹⁴⁰

Many merchants were quite sanguine in response. They were not seeing delays in gathering a crew, seamen were not showing up drunk, creditors could obtain their due, and the Act likely benefited sailors, so far as they knew. Some noted that the Act was beneficial, even. Runners were prevented from greeting sailors in port, and the shipping contract was now made under conditions of fairness and sobriety. They noted that the law operated much better now that landlords were not sabotaging it.¹⁴¹ Even shipping masters who considered the law itself to be fine, though, had some doubts about its administration, particularly in New York. Some merchants suggested interference and shadier designs, remarking that the cost of shipping seamen had gone up significantly. It cost \$2.50 a head to ship, with \$2 going to the shipping commissioner.¹⁴² Sailors also continued to be extorted for clothing and other necessities. Although the 1872 Act required that they be furnished with woolen garments, sailors had to pay for them.¹⁴³ A study of whaling fleets suggested that there was scarcely a sailor who was not indebted to the vessel at the end of an eight-month cruise.¹⁴⁴ One respondent propounded, “I dislike this shipping bureau. It seems to be wanting more for the benefit of the commissioner & his large family than for either the shipowner or the sailor. It is arbitrarily carried out.”¹⁴⁵

Some merchants complained of delay in shipping because the law required that seamen sign in the presence of the shipping commissioner, but the shipping commissioner was not obligated to round up sailors to be available for shipping.¹⁴⁶ That explains the “favoritism and fees” that commissioners like Stevenson exhibited.¹⁴⁷ When a shipping commissioner maintained an exclusive relationship with boardinghouse keepers, local sailors who lived with their families lost “a fair chance” at shipping.¹⁴⁸ A lifelong sailor, a married man, testified that he was snubbed by the shipping commissioner for having spoken out against the Act that his living at home kept him from being able to be shipped. He finally had to board at a boardinghouse in order to be shipped.¹⁴⁹ These favored boardinghouse keepers included the keeper of the Dirty Spoon, a “notorious brothel,” who despite a low reputation was granted a license by Duncan to keep a sailors’ boardinghouse.¹⁵⁰ Seamen charged that the Act did not get rid of the land sharks but replaced them with “whales,” shipping commissioners who continued to exploit them.¹⁵¹ Because the shipping commissioner’s office lacked capacity to round up sailors, it relied on the boardinghouses to supply seamen with exclusive arrangements. Costs for doing business were passed along to seamen, the very thing the Act claimed

to guard against. With the law lacking capacity to ship sailors, collusion with select boardinghouses provided a back-end means of getting sailors aboard ships. If those public purposes were served, then the corruption and exploitation could be tolerated and Senator Buckingham's inquiry brought no change to operation of the Shipping Commissioners Act.

By 1877, there was less tolerance. Rutherford B. Hayes began his administration with a possible commitment to civil service reform. Where he lapsed, a mounting movement of reformers noted and pressured the administration, leading to the tightening of rules at the U.S. Custom House.¹⁵² New York City saw lawsuits against Boss Tweed in 1876 and 1877. It was a suitable time to clean up offices long known for their spoils. Shipowners had been frustrated by not only the cost of spoils but also the reforms that established the New York licensing commission and the U.S. Shipping Commissioner, both of which (when they worked properly) passed along costs to shipowners and their crew.

In 1877, the Shipowners' Association of the State of New York was able to get the 1866 law amended to add a shipowner to the Board of License Commissioners. That newly appointed board member, James Ferris, found no bylaws and found it hard to assemble the board into a meeting. Once he attended a meeting, he found that any excess funds were returned to the salaries of the current president and staff.¹⁵³ The amount the board received fluctuated from year to year, but salaries and incidental expenses always added up exactly to that year's revenue. The office absorbed all the revenue, and no surplus was sent to the fund for shipwrecked and destitute seamen.¹⁵⁴ The association sent a sanitary officer to inspect 110 sailors' boardinghouses. He reported back that the condition of houses "beggars description."¹⁵⁵ In reviewing the accounts, he found the number of licenses diminished, with about half as many issued in 1876 as 1866. The state law protecting seamen was essentially a dead letter, except for the collection of fees to be pocketed by those holding positions in the offices.¹⁵⁶

As this investigation of his former office was underway, Duncan was nevertheless emboldened enough to provoke Twain. He had revisited their Holy Land cruise in a speech at his church, singling out Twain as the troublemaker on the cruise. Twain responded with a series of letters in a New York newspaper.¹⁵⁷ Duncan gave an interview to the *Daily Graphic*.¹⁵⁸ Twain responded, invoking the ongoing investigation, "I think that Mr. Duncan's strength has lain in the fact that he robs nobody but sailors and the U.S. Government."¹⁵⁹

President Hayes ordered Secretary of the Treasury Sherman to investigate all custom houses, leading to the replacement of the old customs collector and

larger reform of political appointments and political assessments of employees. Given the significance of customs, and New York's in particular, this was a victory for the burgeoning reform movement.¹⁶⁰ Despite the administration's crackdown in the custom house, which was located in the Department of the Treasury, the office of shipping commissioner, administered in the judicial branch, was shielded from reform. The Secretary of Treasury had been asked by the House of Representatives about surplus funds in 1874 and reported back that no money had been paid into the Treasury from any shipping commissioners' office. He lacked authority to render such funds to the Treasury, as the administration of the act and appointment of its officers were conducted under the circuit courts.¹⁶¹

In 1877, a U.S. Attorney filed an exception to Duncan's annual report of accounts, charging that the salaries of the Duncan brothers were excessive, that the authority of the commissioner did not include the appointment of deputy commissioners, and that the revenue pulled in by the office was "entirely consumed" by the expenses of the office.¹⁶² In previous years, Duncan took the maximum salary of \$5,000. The Duncan brothers' salaries climbed each year, until they reached the maximum deputy salary of \$4,000. Other deputies in the office earned about \$1,000 per year.¹⁶³ Duncan testified that he made all of these salary decisions with the consultation of prior circuit court judges, with their full knowledge and consent.¹⁶⁴ Circuit Court Judge Blatchford deferred to his predecessors who had reviewed Duncan's accounts in prior years.¹⁶⁵ Judge Blatchford noted that if the district attorney thought that particular salaries were too high, he would have to raise that at the proper time and manner.¹⁶⁶ The court overruled the District Attorney's exceptions.

Duncan did make some modifications in response to these inquiries. The salaries of Duncan's sons were reduced in subsequent years. His office began turning in surplus to the Department of Treasury—\$680.25 in January 1880, \$546.87 in March 1880, and \$185 in 1881, for a total of \$1,412.12 submitted by 1884.¹⁶⁷ Otherwise he continued to employ his sons and pay them more than other clerks in the office.

By 1883 there was wider public support for civil service reform.¹⁶⁸ U.S. District Attorney for the Southern District of New York Elihu Root resumed the inquiry into excessive salaries in Duncan's office, and Twain once again weighed in, amplifying criticism of Duncan. On the front page of the *New York Times*, Twain referred to the Duncans' use of public money as "monstrous. There's no joke in that. It's scoundrelly, it's nauseating, bald, barefaced robbery; but it's Duncan, through and through." He invoked Duncan's 1867 Holy Land cruise, calling out shortcomings of the trip, such

as advertised celebrities who never ended up on the cruise, as fraud. He had been following stories of Duncan's behavior since then and had no doubt that he was "cruel enough and heartless enough to rob any sailor or sailor's widow or orphan he can get his clutches upon."¹⁶⁹ Duncan sued the *New York Times* for libel. His testimony in that libel suit introduced both details about the cruise and the account books of the shipping office, which were then published in newspapers that followed the case.¹⁷⁰

Circuit Court Judge Wallace, Judge Blatchford's replacement, scrutinized the actual work that the Duncan brothers did to see if their high salaries were warranted. Each year, Duncan submitted a statement of his accounts, which were routinely accepted by the circuit court judge. Root objected, and the matter was referred to an examiner. The court received the examiner's report in February 1883. Root determined that he found the salaries in Duncan's office to be excessive. The report was returned to the examiner in October, and then it was taken up again by the court in April 1884. Root appeared as friend of the court, to which Duncan's lawyer objected. Judge Wallace let him stay and noted that the Court had actually requested him.¹⁷¹ Wallace found that, although prior judges had signed off on Duncan's annual reports, they had not been privy to opposing proofs.¹⁷² Now that he had more information, he determined that the salaries of Duncan's sons, which climbed year after year, were excessive, whereas experienced clerks earned minimal salaries.¹⁷³ He found their lack of experience a radical departure from the law.¹⁷⁴ Although the court had the right to remove Duncan, Wallace instead called him back to show cause for why he should not be removed before removing him from office in May 1884.

THE DINGLEY ACT

In considering a new shipping bill, Senator Hale noted that the stories had circulated for years, but Duncan was never caught, labeling it as "an instance of how the American people will bear a thing to go along for years that ought to be investigated and plucked at the roots."¹⁷⁵ Besides the opportunism of Duncan, inquiries revealed flaws in the law itself. The circuit court lacked the authority to compel the shipping commissioner to produce reasonable surplus and turn it over to the Treasury. Shipping commissioners were accountable to no one, apparently. The Dingley Act replaced the Shipping Commissioners Act, providing more accountability and capacity. The new Bureau of Navigation, headed by a Commissioner of Navigation, would supervise Shipping Commissioners, who were appointed by the Secretary of

Treasury. The office was reorganized from the circuit courts to the Secretary of Treasury.¹⁷⁶

It would seem that reform took hold and the Dingley Act modernized the institution, but its operation suggested that one interest only replaced another. Representative Wood had produced remonstrances from shipowners in his opposition to the 1872 Act, which had favored land-based commercial interests to circumvent the costs of patronage. It was the shipowners who seized control of the 1884 Act, assuring a supply of labor for the duration of a ship's voyage. Shipowners praised the Dingley Act for its "restoration of American shipping" because it served their interests.¹⁷⁷ When seamen were discharged in a foreign port, they were traditionally entitled to the payment of three months' wages. The 1884 Act reduced that payment to one month's wages, with the reasoning that less money in the sailor's pocket would protect him. Now that they were paid at the end of a voyage, there was incentive for them to stay on the ship when it stopped in a foreign port.¹⁷⁸ This disincentive against desertion corrected for labor shortages. The language of the Commissioner of Navigation is telling: "Formerly it was sometimes difficult, in ports like San Francisco, to obtain crews for a voyage to England and back, *because the men preferred to be free* to make new engagements on arrival, and were unwilling to ship for the round voyage. *This difficulty removed*, all occasion ceased for collusion between officers and men, in order that the seamen might receive their pay and voluntarily desert the ship abroad."¹⁷⁹

To justify this restriction of seamen's freedom, officials deflected, pointing to the composition of maritime workers in the 1880s. Sailors were scarce. Back in the day, a ship merely needed to hoist a signal at the masthead and sailors would come to the ship.¹⁸⁰ Native-born and seaworthy, they would come on board "sober and fit," with chests full of clothing.¹⁸¹ Those who came now may have just been landsmen, eager for any work, untrained, and unsuitable.¹⁸² The "foreign element" in the maritime labor force reduced the quality and reliability of sailors. This line of argument persisted despite the historic diversity of seamen on American ships.¹⁸³ Such arguments could be enlisted to justify the end of payment of advance wages, inducing seamen to remain with the voyage while it was docked in port and easing operations for captains.¹⁸⁴

The provision against advance wages was initially met with opposition from landlords, but practices gradually settled down. That is likely because the landlord arrangement simply resumed. In larger ports the Act was largely evaded.¹⁸⁵ Landlords continued to maintain control over the availability of seamen.¹⁸⁶ How exactly this evasion happened was "a secret between masters,

owners, landlords, and seamen.”¹⁸⁷ If sailors were not available when a captain needed to man a ship, the commissioner would report that there were no men. The captain would go out to find them and encounter a boardinghouse keeper who would promise a set of men, for a price. They would make a bargain, and the captain would show up at the shipping commissioners with a crew.¹⁸⁸ If sailors were paid a bonus on top of wages, boardinghouse keepers would scoop that bonus, thus evading the advance wage prohibition. Or, a sailor might write a note to the captain agreeing to pay a certain amount of money to be deducted from his wages. The captain could cash that in, and it would go to the boardinghouse keeper.¹⁸⁹ “Under this condition of affairs it is obvious that the law prohibiting the payment of advance wages has become a dead letter.”¹⁹⁰

The Dingley Act was a reaction to and reform of the Shipping Commissioners Act, and its prohibition of advance wages seemed to be more protective of seamen. Ultimately, that prohibition of advance wages ended up discouraging seamen from desertion, which served the interests of shipmasters who did not have to worry about losing labor midvoyage. Workarounds allowed for boardinghouse keepers to find some other payment that they could pocket. The result was a law that looked more protective and efficient on its face, but seamen were still cramped and shipmasters were supplied with labor. The establishment of the Bureau of Navigation suggested administrative development, but it did not protect seamen. It continued to benefit landlords by being evaded. Seamen continued to be exploited by boardinghouse keepers, which served the purpose of supplying labor for ships, and that, after all, was the public purpose that was the reason for federal legislation.

Although the Dingley Act seems to distinguish itself from the patronage and spoils of the 1866 New York Act and the 1872 federal law, what they all have in common are the public purposes they filled. All of these acts, in different ways, kept a steady supply of labor moving aboard ships. Whether that meant that the federal government failed to act while letting boardinghouse keepers carry out their crimping prior to 1872 or removing the material means for seamen to desert after 1884, those public purposes were served. The protection of seamen was only a pretext for passing the laws. Behind them was private gain, whether a workaround of the patronage system by commercial interests, the spoils of a shipping commissioner, the underground economy of the boardinghouse keeper, or the means of assurance of labor for the shipmaster. Whatever private interest was served did not matter, so long as those private means served the public interest of promoting maritime commerce. Although the transition from neglect of seamen to state licensing to a U.S. Shipping Commissioner to a U.S. Bureau of Navigation suggest development of

administrative capacity, the purported protection of seamen masks the interests behind the laws and their actual operation.

Seamen would eventually gain protection from boardinghouse keepers with the Seamen's Act of 1915, legislation that they themselves had a hand in designing. Maritime labor organized in the last decades of the nineteenth century, particularly on the west coast. Labor leaders initiated strikes and the organization of the Coast Seamen's Union, which became the Sailors' Union of the Pacific. Its leader, Andrew Furuseth, testified before Congress about labor conditions onboard ship and on the waterfront and about the shortcomings of previous legislation.¹⁹¹ Furuseth developed a constitutional argument that regulations of maritime labor constituted involuntary servitude under the Thirteenth Amendment.¹⁹² The Seamen's Act made crimping a misdemeanor and provided for payment of one-half advance wages to seamen recognized as entitled to the terms of payment for their labor while providing for ship safety and the flow of maritime commerce.¹⁹³

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NOTES

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22. Milne, *People, Place*, 103.

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70. "The Sailors and their Hardships," 100.
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73. "The Seamen," *New York Herald*, February 12, 1869, 8.
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76. "A Word for A Wise Measure," *New-York Tribune*, December 12, 1871, 4.

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103. U.S. Shipping Commissioners Act.

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105. "Poor Mercantile Jack," *New York Herald*, April 27, 1873, 8.

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107. "In the Matter of the Accounts of the Shipping Commissioner," 99.
108. "In the Matter of the Accounts of the Shipping Commissioner," 100.
109. "Paying Off the Sailors," *New York Times*, March 26, 1873, 2.
110. "The Shipping Scandal," *New York Herald*, May 4, 1873, 5.
111. "The Shipping Scandal."
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121. "Boarding-House Runners," *New York Times*, July 8, 1873, 8.
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133. *Poll Tax of Seamen: A Report of a Case in the U.S. District Court*, August 27, 1873; *The Abuse of Seamen*, 4–6, Letter from the U.S. Shipping Commissioner at the Port of San Francisco, NA-CPCC.
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135. *Boarding Masters Association of the Port of San Francisco Organized January 1, 1873*, NA-CPCC.
136. J. D. Stevenson to Hon. Charles Clayton, February 19, 1874, NA-CPCC.
137. “Strange Disclosures,” *San Francisco Chronicle*, February 28, 1873, 3.
138. “Suspicious Secrecy,” *San Francisco Chronicle*, February 27, 1873, 3.
139. “Strange Disclosures.”
140. “Copy of Interrogatories Propounded by the Hon. Wm. A. Buckingham U. S. S. relative to the U.S. Shipping Act,” NA-CPCC.
141. Decan, Zerega & Co. to Wm. Buckingham, November 25, 1873; William Weld & Co. to Wm. Buckingham, November 26, 1873; Henry Brooks, Boston, December 1873; Booth and Edgar to Hon. Wm. Buckingham, April 30, 1874; Thomas Dunham Nephew & Co. to Mr. Buckingham, November 19, 1873, NA-CPCC.
142. Nesmith & Sons to Hon. W. A. Buckingham, November 10, 1873; G. K. Garrison to Hon. W. A. Buckingham, November 20, 1873, NA-CPCC.
143. J. D. Stevenson, “Remarks upon the U.S. Shipping Act approved June 7, 1872,” NA-CPCC.
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145. G. K. Garrison to Hon. W. A. Buckingham, November 21, 1873, NA-CPCC.
146. John Emery Co., Boston, to Hon. W. A. Buckingham, December 2, 1873, NA-CPCC.
147. G. K. Garrison to Hon. W. A. Buckingham, November 21, 1873, NA-CPCC. In this packet of documents, C. C. Duncan annotated Garrison’s letter at various points with “untrue.”
148. John Emery Co., Boston, to Hon. W. A. Buckingham, December 2, 1873, NA-CPCC.
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152. Hoogenboom, *Outlawing the Spoils*, 173–74.
153. Remonstrance of James J. Ferris, Commissioner for Licensing Sailors Hotels or Boarding-Houses, S. Doc. No. 22, at 3, in *Documents of the Senate of the State of New York One Hundred and First Session—1878*, Volume 1 (Jerome Parmenter, 1878).
154. “Mr. Blunt Overhauled,” *The Sun*, October 12, 1877, 2.
155. Remonstrance of Ferris, 2–3.
156. “Mr. Blunt Overhauled.”
157. Ron Powers, *Mark Twain* (New York: Free Press, 2005). https://books.google.com/books?id=uaPuYNV_qaoC&newbks=1&newbks_redir=0&lpq=PA1846&dq=ron%20powers%20mark%20twain&pg=RA1-PT211#v=onepage&q&f=true.

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159. In Gary Scharnhorst, "Mark Twain and C. C. Duncan Trade Insults," 31.
160. Skowronek, *Building a New American State*, 61–62.
161. Letter from the Secretary of the Treasury in answer to a resolution of the House of January 12, 1874, H.R. Ex. Doc. No. 43-78 (1874), NA-CPCC.
162. "In the Matter of the Accounts of the Shipping Commissioner of the Port of New York for the Years 1876 and 1877," 96–97.
163. "In the Matter of the Accounts of the Shipping Commissioner ... 1876 and 1877," 93–94.
164. "In the Matter of the Accounts of the Shipping Commissioner ... 1876 and 1877," 97.
165. The successful 1884 investigation against Commissioner Duncan takes great pains to absolve these prior circuit court judges of any guilt, noting that the circuit court judges involved in prior reviews of Duncan lacked all of the pertinent facts.
166. "In the Matter of the Accounts of the Shipping Commissioner ... 1876 and 1877," 95.
167. Letter from the Secretary of Treasury in Response to Resolution of the House passed February 4, 1884, communicating a statement of the sums paid by the shipping commissioner of the Port of New York, H.R. Ex. Doc. No. 48-85 (1884), in *Index to the Executive Documents of the House of Representatives for the First Session of the Forty-Eighth Congress 1883-'84* (Washington, DC: Government Printing Office, 1884).
168. Theriault, "Patronage, the Pendleton Act, and the Power of the People."
169. "Mark Twain Excited"; Scharnhorst, "Twain and Duncan Trade Insults," 31.
170. "Captain Duncan's Testimony," *New-York Tribune*, March 5, 1884, 2. When Congress discussed the Duncan dismissal as it was considering a bill to replace the 1872 Shipping Commissioners Act, members relied on Duncan making his books available in this trial so that anyone could see that his office absorbed all of the revenue. See 15 Cong. Rec. S3870 (daily ed. May 6, 1884) (statement of Sen. Vest).
171. "Mr. Duncan's Nepotism," *The Sun*, April 20, 1884, 8.
172. "The Fee-Eating Duncans," *The Sun*, May 6, 1884, 1.
173. "Duncan Again Exposed," *New York Times*, May 6, 1884, 8.
174. "In the Matter of the Accounts of the Shipping Commissioner of the Port of New York for the Years 1876 and 1877," 102; "The Fee-Eating Duncans."
175. 15 Cong. Rec. S3871 (May 6, 1884).
176. An Act to Remove Certain Burdens on the American Merchant Marine and Encourage the American Foreign Carrying Trade Pub. L. No. 48-23 Stat. 53 (1884).
177. *Report of the Commissioner of Navigation 1884*, 26.
178. *Report of the Commissioner of Navigation 1884*, 26.
179. *Report of the Commissioner of Navigation 1884*, 26. Emphasis added.
180. *Annual Report of the Commissioner of Navigation 1885* (Washington, DC: Government Printing Office, 1885), 163.
181. *Report of the Commissioner of Navigation 1885*, 164.
182. *Report of the Commissioner of Navigation 1885*, 167.

183. Gilje, *Liberty on the Waterfront*, 25; see also Billy Smith, “The Lower Sort”: *Philadelphia’s Laboring People, 1750-1800* (Ithaca, NY: Cornell University Press, 1990).

184. *Report of the Commissioner of Navigation 1884*, 50–51.

185. *Report of the Commissioner of Navigation 1885*, 168.

186. No. 16 Letter sent to the Commissioner of Navigation by Silas & Weeks, shipping and commission merchants of New Orleans, November 17, 1884, Letters Received from Merchants Respecting the Law Prohibiting the Payment of Advanced Wages to Seamen, in *Report of the Commissioner of Navigation 1884*, 82.

187. No. 7 Letter addressed to the Commissioner of Navigation by Darrah & Elwell, November 11, 1884, Letters Received from Merchants Respecting the Law Prohibiting the Payment of Advanced Wages to Seamen, in *Report of the Commissioner of Navigation 1884*, 77.

188. No. 7 Letter addressed to the Commissioner of Navigation by Darrah & Elwell, 77.

189. “Report of San Francisco Commissioner,” *Annual Report of the Commissioner of Navigation 1885*, 271.

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191. Stephen Schwartz, *Brotherhood of the Sea; Hearings Before the Committee on Merchant Marine and Fisheries*, 53d Cong., 2d Sess (March 16, 1894) (statement of Andrew Furuseth of San Francisco, CA), 1–19.

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193. An Act to Promote the Welfare of American Seamen in the Merchant Marine of the United States, Pub. L. No. 63-302, 38 Stat. 1168 (1915); Henry Farnam, “The Seamen’s Act of 1915: Address Delivered at the Ninth Annual Meeting of the American Association for Labor Legislation,” presented to the U.S. Senate by Mr. La Follette, S. Doc. No. 64-333 (February 19, 1916), <https://hdl.handle.net/2027/mdp.39015063906542?urlappend=%3Bseq=3%3Bownerid=13510798885614465-3>.