

STATUTE II.

March 2, 1819.

CHAP. XLV.—*An Act to regulate the pay of the army when employed on fatigue duty.*

Extra allowance to non-commissioned officers and privates, when employed on fortifications, &c.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whenever it shall be found expedient to employ the army at work on fortifications, in surveys, in cutting roads, and other constant labour, of not less than ten days, the non-commissioned officers, musicians and privates, so employed, shall be allowed fifteen cents, and an extra gill of whisky or spirits, each, per day, while so employed.

APPROVED, March 2, 1819.

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CHAP. XLVI.—*An Act regulating passenger ships and vessels. (a)*

Forfeitures for every passenger over and above two for every five tons, custom-house measurement.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens, of any foreign country, shall, after the first day of January next, take on board of such ship or vessel, at any foreign port or place, or shall bring or convey into the United States, or the territories thereof, from any foreign port or place; or shall carry, convey, or transport, from the United [States,] or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to custom-house measurement, every such master, or other person so offending, and the owner or owners of such ship or vessels, shall severally forfeit and pay to the United States, the sum of one hundred and fifty dollars, for each and every passenger so taken on board of such ship or vessel over and above the aforesaid number of two to every five tons of such ship or vessel; to be recovered by suit, in any circuit or district court of the United States, where the said vessel may arrive, or where the owner or owners aforesaid may reside: *Provided, nevertheless,* That nothing in this act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

Proviso.

If the number exceeds two for every five tons, by 20, the vessel is forfeited, and may be prosecuted, distributed, &c.

Act of March 2, 1799, ch. 22, sec. 91.

60 gallons of water, 100 lbs.

SEC. 2. *And be it further enacted,* That if the number of passengers so taken on board of any ship or vessel as aforesaid, or conveyed or brought into the United States, or transported therefrom as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel by the number of twenty passengers, in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 3. *And be it further enacted,* That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe,

(a) *Passenger acts of the United States.*—The passenger laws of the United States, apply only to passengers whilst on their voyage, and until they shall have landed. After the landing of passengers, the laws of the United States do not come in conflict with the laws of a state, which obliges security to be given against their becoming chargeable as paupers; and for their removal out of the state, in the event of their having become so chargeable. *City of New York v. Miln*, 11 Peters, 102.

Persons are not the subject of commerce; and not being imported goods they do not fall within the reasoning founded upon the construction of a power given to Congress to regulate commerce, and the prohibition of the states from imposing a duty on foreign goods. *Ibid.*

In estimating the number of passengers in a vessel, no deduction is to be made for children or persons not paying; but those employed in navigating the vessel are not to be included. *United States v. The Louisa Barbara*, Gilpin's D. C. R. 334.

In estimating the tonnage of a vessel bringing passengers from a foreign country, the measurement of the custom-house, in the port of the United States, where the vessel arrives, is to be taken. *Ibid.*