

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.*

at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread, for each and every passenger on board such ship or vessel, over and above such other provisions, stores, and live stock as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel; and in like proportion for a shorter or longer voyage; and if the passengers, on board of such ship or vessel in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar, or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay to each and every passenger who shall have been put on short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance; to be recovered in the same manner as seamen's wages are, or may be, recovered.

SEC. 4. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and, if there be no cargo, then at the time of making report or entry of the ship or vessel, pursuant to the existing laws of the United States, shall also deliver and report, to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation, of the said passengers, respectively, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any, and what number, have died on the voyage; which report and manifest shall be sworn to by the said master, in the same manner as is directed by the existing laws of the United States, in relation to the manifest of the cargo, and that the refusal or neglect of the master aforesaid, to comply with the provisions of this section, shall incur the same penalties, disabilities, and forfeitures, as are at present provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 5. *And be it further enacted*, That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall, quarter yearly, return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

APPROVED, March 2, 1819.

of salted provisions, one gallon of vinegar, and 100 lbs. of wholesome ship-bread, for every passenger to Europe, over and above, &c.

In case of short allowance, to pay three dolls. a day to every passenger, &c.

A list or manifest of all the passengers to be delivered to the collector, &c.

Age, sex, and occupation, of passengers, to be designated and also the country to which they belong, and that where they mean to reside; together with what number have died on the voyage.

Statements to be laid before Congress.

STATUTE II.

CHAP. XLVII.—*An Act to enable the people of the Alabama territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states. (a)*

March 2, 1819.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the

Resolution of Dec. 14, 1819.

(a) *Acts relative to Alabama.*—An act to establish a separate territorial government for the eastern part of the Mississippi territory, March 3, 1817, ch. 59.

An act to alter and amend the act approved the third day of March, 1817, entitled "An act to establish a separate government for the eastern part of the Mississippi territory, April 20, 1818, ch. 127. An act to enable the people of the Alabama territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, March 2, 1819, ch. 47.

An act to establish a district court in the state of Alabama, April 21, 1820, ch. 45.

An act concerning the apportionment of representatives in the state of Alabama, Jan. 14, 1823, ch. 2.