

Emigrants as Passengers

History of immigration to the United States exhibiting the number, sex, age, occupation, and country of birth, of passengers arriving ... by sea from foreign countries, from September 30, 1819 to December 31, 1855

William J. Bromwell

Carriage of Passengers in Passenger-ships and Vessels.

The first Act of Congress “ regulating passenger-ships and vessels,” was approved March 2, 1819.

By this Act, a passenger-ship or vessel was allowed to carry two passengers, and not more than two, to every five tons of her measurement according to the customhouse rule.

A second Act, approved February 22, 1847, allowed to each passenger “ fourteen clear superficial feet of deck” on the lower deck or platform, if such vessel were not to pass within the tropics during the voyage : but if such vessel were to pass within the tropics during the voyage, then “ twenty such clear superficial feet of deck” were allotted to each passenger : and, to each passenger on the orlop deck (if any) “ thirty such superficial feet in all cases.” Such space, occupied by passengers and appropriated for their use, was to be unoccupied by stores or other goods, not being the personal luggage of such passengers.

Such ship or vessel to have not more than two tiers of berths : the berths to be well constructed, and to be at least six feet in length and eighteen inches in width for each passenger.

Children under the age of one year not to be included in the computation of the number of passengers.

Two children, each under the age of eight years, to be estimated as equal to one passenger.

A third Act was approved March 2, 1847. So much of the second Act as authorizes shippers, in the assignment of room, to estimate two children of eight years of age and under as equal to one passenger was, by this Act, repealed.

A fourth Act, regulating the transportation of colored emigrants from the United States to the coast of Africa, was approved January 31, 1848. It contained, however, no provision relating to the bringing of immigrants to this country.

A fifth Act, “ to provide for the ventilation of passenger-vessels, and for other purposes,” was approved May 17, 1848.

In the framing of the previous acts, the comfort and health of the passengers do not seem to have been specially consulted. In this Act, however, there were several humane provisions.

It provided for a more complete ventilation of the vessel.

It prescribed the quantity of supplies of provisions, water, and fuel.

It established cooking-ranges for the use of the passengers.

It made it the duty of the captain to cause the apartment occupied by the passengers to be kept, at all times, in a clean and healthy state.

It amended the Act of February 22, 1847, so that, instead of fourteen feet, as prescribed in said Act, sixteen clear superficial feet should be allowed to each passenger, if the distance between decks were less than six feet and not less than five feet : and if less than five feet, then twenty-two clear superficial feet were allotted to each passenger : and it repealed so much of former laws as limited the number of passengers to two for every five tons.

A sixth Act was approved March 3, 1849.

It required the owners and masters of passenger-vessels to furnish to each passenger the daily supply of water mentioned in the fourth Section of the Act of May 17, 1848 ; but repealed the allowance of food and fuel prescribed therein, and only required of such owners and masters to “ furnish, or cause the passengers to furnish for themselves, a sufficient supply of good and wholesome food.”

It amended the Act of February 22, 1847, so that a vessel passing into or through the tropics should be allowed to carry the same number of passengers as vessels that, did not enter the tropics.

This Act, so far as it permitted passengers to “ furnish for themselves a sufficient supply of good and wholesome food,” was ill-advised, inasmuch as it is well known that immigrants, in order to avoid expense, have, not unfrequently, subsisted on the scantiest fare during the voyage, while the owners and masters of such vessels remained in ignorance of the fact.

Health and strength are desirable elements in the character of immigration, and immigrants, on reaching our shores, should not be wasted by sickness nor weakened by hunger.

This truth seems to have been considered in the framing of the seventh, and last “ Act to regulate the carriage of passengers in steamships and other vessels,” approved March 3, 1855. By this Act all former laws regulating the carriage of passengers in passenger-ships and vessels are expressly repealed, and new regulations in regard to the same are instituted.

These Acts are herewith published in full, and in the order of their approval. Annexed to them will be found “ General Regulations, No. 45,” issued to Collectors and other officers of the customs, by the Treasury Department, under the Passenger-Act now in force.

AN ACT regulating passenger-ships and vessels.

SEC. 1. *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 customhouse measurement, every such master, or other person so offending, and the owner or owners of such ship or vessel, 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.

SEC. 2. 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. That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, 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. 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. That each and every collector of the customs, to whom such manifest or list of passengers 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.

AN ACT to regulate the carriage of passengers in merchant-vessels.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if the master of any vessel, owned in whole or in part by a citizen of the United States of America, or by a citizen of any foreign country, shall take

on board such vessel, at any foreign port or place, a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores or other goods, not being the personal luggage of such passengers, that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during such voyage ; but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck (if any) one passenger for every thirty superficial feet in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States aforesaid, or if any such master of a vessel shall take on board of his vessel at any port or place within the jurisdiction of the United States aforesaid any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any circuit or district court of the United States aforesaid, shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year : Provided, That this act shall not be construed to permit any ship or vessel, to carry more than two passengers to five tons of such ship or vessel.

SEC. 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are, under the act to regulate duties on imports and tonnage.

SEC. 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed ; or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid, then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States aforesaid in any circuit or district court of the United States where such vessel may arrive, or from which she sails.

SEC. 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

SEC. 5. *And be it further enacted*, That the amount of the several penalties imposed by this act shall be liens on the vessel or vessels violating its provisions ; and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive.

Approved, February 22, 1847.

AN ACT to amend an act entitled, “ An act to regulate the carriage of passengers in merchant-vessels,” and to determine the time when said act shall take effect.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act to regulate the carriage of passengers in merchant-vessels, approved the twenty-second day of February, eighteen hundred and forty-seven, shall, in regard to all vessels arriving from ports on this side of the Capes of Good Hope and Horn, take effect and be in force from and after the thirty-first day of May next

ensuing ; and in regard to all vessels arriving from places beyond said capes, on and after the thirtieth day of October next ensuing.

SEC. 2. *And be it further enacted*, That so much of said act as authorized shippers to estimate two children of eight years of age and under as one passenger, in the assignment of room, is hereby repealed.

Approved, March 2, 1847.

AN ACT to provide for the ventilation of passenger-vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels, whether of the United States or any other country, having sufficient capacity, according to law, for fifty or more passengers (other than cabin passengers), shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartment allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation ; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses, and the stairs, or ladder, leading down to the aforesaid apartment shall be furnished with a hand-rail of wood or strong rope : *Provided, nevertheless*, booby-hatches may be substituted for such houses in vessels having three permanent decks.

SEC. 2. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers—one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air ; which said ventilations shall have a capacity proportioned to the size of the apartment or apartments to be purified, namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall, each of them, be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments ; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction : *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

SEC. 3. *And be it further enacted*, That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers, and provision shall be made in the manner aforesaid in this ratio for a greater or less number of passengers : *Provided*, however. And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4. *And be it further enacted*, That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oat-meal, ten pounds of wheat-flour, ten pounds of peas and beans, thirty-five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone, all to be of good quality, and a sufficient

supply of fuel for cooking ; but at places where either rice, oat-meal, wheat-flour, or peas and beans, can not be procured, of good quality, and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor ; and in case potatoes can not be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes ; and the captains of such vessels shall deliver to each passenger at least one tenth part of the aforesaid provisions weekly, commencing on the day of sailing ; and daily at least three quarts of water, and sufficient fuel for cooking ; and if the passengers on board of any such vessel in which the provisions, fuel, and water, herein required, shall not have been provided as aforesaid, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessels shall pay to each and every passenger, who shall have been put on short allowance, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the circuit or district court of the United States : *Provided, nevertheless,* and nothing herein contained shall prevent any passenger, with the consent of the captain, from furnishing for himself the articles of food herein specified, and, if put on board in good order, it shall fully satisfy the provisions of this act so far as regards food : *And provided,* further, That any passenger may also, with the consent of the captain, furnish for himself an equivalent for the articles of food required in other and different articles ; and if without waste or neglect on the part of the passenger or inevitable accident, they prove insufficient, and the captain shall furnish comfortable food to such passengers during the residue of the voyage, this in regard to food shall also be a compliance with the terms of this act.

SEC. 5. *And be it further enacted,* That the captain of any such vessel so employed is hereby authorized to maintain good discipline, and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health ; and to that end, he shall cause such regulations as he may adopt for this purpose to be posted up before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage ; and it is hereby made the duty of said captain to cause the apartment occupied by such passengers to be kept, at all times, in a clean, healthy state ; and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed ; and they shall also provide a safe and convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers can not be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleaned [cleansed] with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 6. *And be it further enacted,* That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage-ways, as prescribed in the first section of this act ; or with ventilators, as prescribed in the second section of this act ; or with the cambooses or cooking-ranges, with the houses over them, as prescribed in the third section of this act ; shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections ; and fifty dollars for each and every neglect or violation of any of the provisions of the fifth section of this act ; to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel, may be found.

SEC. 7. *And be it further enacted,* That the collector of the customs, at any port in the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one of the inspectors of the customs for such port to examine such vessel, and report in writing to such collector, whether the provisions of the first, second, third, and fifth sections of this act have been complied with in respect to

such vessel ; and if such report shall state such compliance, and be approved by such collector, it shall be deemed and held as conclusive evidence thereof.

SEC. 8. *And be it further enacted*, That the first section of an act entitled, “ An act to regulate the carriage of passengers in merchant-vessels,” approved February twenty-second, eighteen hundred and forty-seven, be so amended, that when the height or distance between the decks of the vessels referred to in the said section, shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen, as prescribed in said section ; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on deck : and if the master of any such vessel, shall take on board his vessel, in any port of the United States, a greater number of passengers than is allowed by this section, with the intent specified in said first section of the act of eighteen hundred and forty-seven, or if the master of any such vessel shall take on board, at a foreign port, and bring within the jurisdiction of the United States, a greater number of passengers than is allowed by this section, such master shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided for the punishment of persons convicted of a violation of the act aforesaid ; and in computing the number of passengers on board such vessels, all children under the age of one year, at the time of embarkation, shall be excluded from such computation.

SEC. 9. *And be it further enacted*, That this act shall take effect, in respect to such vessels sailing from ports in the United States, in thirty days from the time of its approval ; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval ; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

SEC. 10. *And be it further enacted*, That so much of the first section of the act entitled, “ An act regulating passenger-ships and vessels,” approved March second, eighteen hundred and nineteen, or any other act that limits the number of passenger to two for every five tons, is hereby repealed.

Approved, May 17, 1848.

AN ACT to provide for the ventilation of passenger-vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels, whether of the United States or any other country, having sufficient capacity, according to law, for fifty or more passengers (other than cabin passengers), shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartment allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation ; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses, and the stairs, or ladder, leading down to the aforesaid apartment shall be furnished with a hand-rail of wood or strong rope : *Provided, nevertheless*, booby-hatches may be substituted for such houses in vessels having three permanent decks.

SEC. 2. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers—one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the

forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air ; which said ventilations shall have a capacity proportioned to the size of the apartment or apartments to be purified, namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall, each of them, be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments ; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction : *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

SEC. 3. *And be it further enacted*, That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers, and provision shall be made in the manner aforesaid in this ratio for a greater or less number of passengers : *Provided, however*, And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4. *And be it further enacted*, That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oat-meal, ten pounds of wheat-flour, ten pounds of peas and beans, thirty- five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone, all to be of good quality, and a sufficient supply of fuel for cooking ; but at places where either rice, oat-meal, wheat-flour, or peas and beans, can not be procured, of good quality, and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor ; and in case potatoes can not be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes ; and the captains of such vessels shall deliver to each passenger at least one tenth part of the aforesaid provisions weekly, commencing on the day of sailing ; and daily at least three quarts of water, and sufficient fuel for cooking ; and if the passengers on board of any such vessel in which the provisions, fuel, and water, herein required, shall not have been provided as aforesaid, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessels shall pay to each and every passenger, who shall have been put on short allowance, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the circuit or district court of the United States : *Provided, nevertheless*, and nothing herein contained shall prevent any passenger, with the consent of the captain, from furnishing for himself the articles of food herein specified, and, if put on board in good order, it shall fully satisfy the provisions of this act so far as regards food : *And provided, further*, That any passenger may also, with the consent of the captain, furnish for himself an equivalent for the articles of food required in other and different articles ; and if without waste or neglect on the part of the passenger or inevitable accident, they prove insufficient, and the captain shall furnish comfortable food to such passengers during the residue of the voyage, this in regard to food shall also be a compliance with the terms of this act.

SEC. 5. *And be it further enacted*, That the captain of any such vessel so employed is hereby authorized to maintain good discipline, and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health ; and to that end, he shall cause such regulations as he may adopt for this purpose to be posted up before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage ; and it is hereby made the duty of said captain to cause the apartment

occupied by such passengers to be kept, at all times, in a clean, healthy state ; and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed ; and they shall also provide a safe and convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers can not be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleaned [cleansed] with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 6. *And be it further enacted,* That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage-ways, as prescribed in the first section of this act ; or with ventilators, as prescribed in the second section of this act ; or with the cambooses or cooking-ranges, with the houses over them, as prescribed in the third section of this act ; shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections ; and fifty dollars for each and every neglect or violation of any of the provisions of the fifth section of this act ; to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel, may be found.

SEC. 7. *And be it further enacted,* That the collector of the customs, at any port in the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one of the inspectors of the customs for such port to examine such vessel, and report in writing to such collector, whether the provisions of the first, second, third, and fifth sections of this act have been complied with in respect to such vessel ; and if such report shall state such compliance, and be approved by such collector, it shall be deemed and held as conclusive evidence thereof.

SEC. 8. *And be it further enacted,* That the first section of an act entitled, “ An act to regulate the carriage of passengers in merchant-vessels,” approved February twenty-second, eighteen hundred and forty-seven, be so amended, that when the height or distance between the decks of the vessels referred to in the said section, shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen, as prescribed in said section ; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on deck : and if the master of any such vessel, shall take on board his vessel, in any port of the United States, a greater number of passengers than is allowed by this section, with the intent specified in said first section of the act of eighteen hundred and forty-seven, or if the master of any such vessel shall take on board, at a foreign port, and bring within the jurisdiction of the United States, a greater number of passengers than is allowed by this section, such master shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided for the punishment of persons convicted of a violation of the act aforesaid ; and in computing the number of passengers on board such vessels, all children under the age of one year, at the time of embarkation, shall be excluded from such computation.

SEC. 9. *And be it further enacted,* That this act shall take effect, in respect to such vessels sailing from ports in the United States, in thirty days from the time of its approval ; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval ; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

SEC. 10. *And be it further enacted,* That so much of the first section of the act entitled,

“ An act regulating passenger-ships and vessels,” approved March second, eighteen hundred and nineteen, or any other act that limits the number of passenger to two for every five tons, is hereby repealed. Approved, May 17, 1848.

General Regulations No. 45.—Under the act to regulate the carriage of passengers in steamships and other vessels, approved March 3, 1855.

To Collectors and other Officers of the Customs.

TREASURY DEPARTMENT, *March 23, 1855.*

The attention of collectors and other officers of the customs, as well as all persons interested and engaged in carrying passengers in steamships and other vessels, is especially called to the provisions of the annexed act of Congress, approved March 3, 1855, entitled, “ An act to regulate the carriage of passengers in steamships and other vessels,” and a strict compliance with its terms and provisions enjoined upon the aforesaid officers and other persons interested.

It will be observed that, while this act prescribes spaces of certain clear superficial feet of deck to each passenger (other than cabin passengers), it moreover fixes a maximum by restricting the number of such passengers allowed to be carried in any such vessel in the proportion of one to every two tons of said vessel's tonnage measurement, excluding children under the age of one year from the computation, and computing two children over one and under eight years of age as one passenger. It follows, that though a vessel might afford clear spaces of the dimensions indicated for a greater number of passengers than one to every two tons of her tonnage measurement, yet if the number shall exceed that allowed by her tonnage measurement, the penalties imposed by the law would attach ; or if her tonnage measurement should allow a greater number of passengers than according to the clear spaces prescribed by law she could carry, yet if the number shall exceed that allowed by the clear spaces prescribed by law, the penalties imposed by the law would equally attach. In other words, the one rule, as to the number of passengers a vessel is entitled to carry, is a limitation upon the other. The tonnage of each vessel, according to custom-house measurement, must, therefore, be ascertained, as well as the measurement of the spaces allotted to passengers, in order to determine the number of passengers she is entitled to carry.

In order to determine the number of passengers a vessel is entitled to carry in accordance with the spaces prescribed by this act, the height between decks must be measured from the bottom edge of the carlings or deck beams to the top floor below ; and no space shall be considered available for passengers that has not, when measured in this manner, the height called for by the law, as the case may be ; nor shall any space in a vessel of a less width than four feet be measured ; provided, however, if the vessel shall, in accordance with the provisions of the first section of this act, carry any portion of her cargo, or any other article or articles, on any of the decks, cabins, or other places appropriated to the use of passengers, in lockers or enclosures prepared for the purpose, the height between decks shall be measured from the bottom edge of the carlings or deck beams to the upper surface of said lockers or enclosed spaces, which shall be deemed and taken to be the deck or platform from which measurement shall be made for all the purposes of this act, and the spaces occupied by said lockers or enclosed spaces shall be deducted from the spaces allowable for the use of passengers.

For example : the spaces in the main and poop decks or platforms, and in the deck-houses, if any there be, will be 16 by 6=96 feet ; lower deck, 18 by 6=108 feet ; two-deck vessels, 14 by 7½=105 feet.

The encumbering by merchandise or stores, not the personal baggage of the passengers, except in locker or enclosures prepared for the purpose, of any part of the space occupied by the passengers, will vitiate the whole space, unless the part so encumbered be separated from that so occupied, by a substantial bulkhead.

The deck or platform must be of a permanent nature, flush, and impervious to water.

Collectors will keep a special account of the moneys received under the fourteenth section of this act on account of deceased passengers ; and, before making payments to any board or commission of the description mentioned in the law, will make a report to the Department of the number and designation of the boards or commissions appointed and acting under the authority of the State in which their respective ports are situated, to enable the Department to determine which is entitled to receive the same.

It will be perceived that the nineteenth section of this act expressly repeals all former laws on the subject, except so far as concerns the prosecution, recovery, distribution, or remission of any fines, penalties, and forfeitures which may have been incurred under former laws prior to the day this act shall go into effect ; which, with respect to vessels sailing from ports in the United States on the eastern side of the continent, is within thirty days from the time of its approval ; with respect to vessels sailing from ports in the United States on the western side of the continent, and from ports in Europe, is within sixty days from the time of its approval ; and in respect to vessels sailing from ports in other parts of the world, is within six months from the time of its approval. The provisions of existing laws will be enforced until this act shall go into effect, as above specified.

It is deemed sufficient only further to call your particular attention to the first, second, sixth, tenth, eleventh, fourteenth, fifteenth, sixteenth, and seventeenth sections of this act, in which certain provisions, different from existing laws, have been enacted, and to state that all the requirements of said sections must be strictly enforced.

Collectors are directed to furnish the masters of all vessels engaged in transporting passengers between their respective ports and foreign countries, and each owner or consignee of any such vessel residing at their ports, with one copy of this circular.

JAMES GUTHRIE,
Secretary of the Treasury.

History of immigration to the United States, exhibiting the number, sex, age, occupation, and country of birth, of passengers arriving ... by sea from foreign countries, from September 30, 1819 to December 31, 1855 ; (1856)

Author : Bromwell, Wm. J. (William Jeremy), 1834-1874

Subject : Emigration and immigration law

Publisher : New York, Redfield

Year : 1856

Language : English

Digitizing sponsor : Google

Book from the collections of : Oxford University

Collection : europeanlibraries

Notes : Reproduction of original from Library of Congress.

Source : Internet Archive

<http://nuexcvj.archive.org/details/historyimmigrat01bromgoog>

Edited and uploaded to www.aughty.org

February 26 2013