

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 28, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Commissioner of Customs, referred to in these sections, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3. See note under section 1 of this title.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note under section 1 of this title.

§ 146. Discriminating duty on merchandise imported in foreign vessels.

A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States, but not a vessel of the United States, if such vessel, after entering an American port, shall before leaving the same be registered as a vessel of the United States. (Oct. 3, 1913, ch. 16, § IV, J, subsec. 1, 38 Stat. 195; Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193; June 17, 1930, ch. 497, title IV, § 651 (d) (1), 46 Stat. 763.)

CODIFICATION

The provisions incorporated in this section, with portions of the original text omitted here, are set forth in section 128 of Title 19, Customs Duties.

This is from subsec. 1 of the Underwood Tariff Act of Oct. 3, 1913, § IV, J. It was expressly saved from repeal by section 321 of the Tariff Act of 1922 (chapter 3 of Title 19, Customs Duties), but was repealed in part by act Mar. 4, 1915. See note under section 128 of Title 19, Customs Duties.

Subsec. 1 of act Oct. 3, 1913, § IV, J, provided also for a discriminating duty on goods, wares and merchandise produced or manufactured in a foreign country not contiguous to the United States but coming into the United States from such contiguous country. That provision will be found in section 128 of Title 19.

R.S. § 2502 imposed a discriminating duty upon merchandise imported in foreign vessels. It was superseded by subsequent similar provisions in successive tariff acts, the latest of which is incorporated in this section.

Act June 5, 1920, ch. 250, § 34, 41 Stat. 1007, declaring it to be the judgment of Congress that provisions of treaties restricting the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and vessels of the United States, and discriminatory tonnage dues on foreign vessels, and on vessels of the United States, should be terminated, and directing the President to give notice to terminate them, was omitted from the code as temporary or executed.

REPEAL OR AMENDMENT; EXCEPTION

This section is expressly excepted from repeal or amendment by the Tariff Act of 1930 (act June 17, ch. 497,

title IV, 46 Stat. 763) which provides in section 651 (d) as follows: "Nothing in this Act shall be construed to amend or repeal any of the following provisions of law: (1) Subsections 1 * * * of paragraph J of Section IV of the Act entitled 'An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913 (relating to restrictions on importations in foreign vessels or through contiguous countries), as modified by the Act of March 4, 1915, chapter 171".

CROSS REFERENCES

Authority to suspend operation of section, see section 141 of this title.

Chapter 6.—REGULATION AS TO VESSELS CARRYING STEERAGE PASSENGERS

- Sec.
151. Accommodations for steerage passengers in vessels from foreign ports.
 152. Berths for passengers.
 153. Light, air, and accommodations for passengers.
 154. Food.
 155. Hospitals, surgeon, and medicine.
 156. Discipline and cleanliness; space for exercise of passengers.
 - 158a. Transportation of animals by vessels carrying steerage passengers.
 157. Visiting parts of vessel occupied by passengers.
 158. Boarding vessel on arrival; passenger lists.
 159. Death of passengers; payment to collector for.
 160. Inspection and examination of vessels; reports.
 161. Vessels carrying emigrant passengers to foreign countries; withholding clearance papers.
 162. Fines and penalties; lien on vessel; recovery.
 163. Regulations as to boarding arriving vessels before inspection.

§ 151. Accommodations for steerage passengers in vessels from foreign ports.

It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in the foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined \$50 for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space

allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

Third. The expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10 of this section.

Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10 of this section. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10 of this section.

Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck

located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms: *Provided, That—*

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments. (Aug. 2, 1882, ch. 374, § 1, 22 Stat. 186; Dec. 19, 1908, ch. 6, § 1, 35 Stat. 583.)

SHORT TITLE

Congress in enacting this chapter provided by section 14 of act Aug. 2, 1882, that it should be popularly known as the "Passenger Act of 1882".

CROSS REFERENCES

Explosives on vessels carrying steerage passengers, penalty, see section 2278 of Title 18, Crimes and Criminal Procedure.

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of said Title 18.

Provisions relating to immigration, see section 1151 et seq. of Title 8, Aliens and Nationality.

§ 152. Berths for passengers.

Sufficient number required.—In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as herein-after provided, of all such passengers.

Number of tiers; construction and occupancy.—There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other.

Berths for males.—All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead.

Berths for unmarried females.—Unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the

opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured.

Families.—Families shall not be separated except with their consent.

Berths to be numbered.—Each berth shall be numbered serially, on the outside berth board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period.

Penalties.—For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of \$5 for each passenger carried or brought on the vessel. (Aug. 2, 1882, ch. 374, § 2, 22 Stat. 186.)

§ 153. Light, air, and accommodations for passengers.

Light and air.—Every such steamship or other vessel shall have adequate provision for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces.

Ventilators.—To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions.

Hatchways and companionways.—In all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers, which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companionways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companionways or ladders shall be securely constructed, and be provided with handrails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartment or spaces appropriated to their use.

Caboose and cooking apparatus.—Every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide

for properly cooking and preparing the food of all such passengers.

Water-closets.—In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly inclosed and located on each side of the vessel, and shall be separated from passengers' spaces by substantial and properly constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage.

Penalties.—For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding \$250. (Aug. 2, 1882, ch. 374, § 3, 22 Stat. 187.)

§ 154. Food.

Allowance of.—An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half Navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers.

Number of meals per day.—Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given.

Short allowance.—If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger \$3 for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance.

Milk for infants.—Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter.

Tables and seats.—Tables and seats shall be provided for the use of passengers at regular meals.

Penalties.—For every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than \$500 and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners. (Aug. 2, 1882, ch. 374, § 4, 22 Stat. 188.)

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Navy rations, see section 6081 et seq. of Title 10, Armed Forces.

§ 155. Hospitals, surgeon, and medicine.

In every such steamship or other vessel there shall be properly built and secured, or divided off from

other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250. (Aug. 2, 1882, ch. 374, § 5, 22 Stat. 188.)

CROSS REFERENCES

Merchant seamen, medicines for, see sections 666 and 667 of this title.

§ 156. Discipline and cleanliness; space for exercise of passengers.

The master of every such steamship or other vessel is 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 such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250. (Aug. 2, 1882, ch. 374, § 6, 22 Stat. 188.)

§ 156a. Transportation of animals by vessels carrying steerage passengers.

Horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which pas-

sengers are berthed, nor in any adjoining compartment except in a vessel built of iron and of which the compartments are divided off by watertight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000, and be imprisoned for a period not exceeding one year. (Aug. 2, 1882, ch. 374, § 8, 22 Stat. 189; June 25, 1948, ch. 645, § 17, 62 Stat. 862.)

CODIFICATION

Section comprises part of section 8 of act Aug. 2, 1882. Provisions of section 8, relating to carriage of explosives and other dangerous articles, formerly set out as section 171 of this title, were repealed by act June 25, 1948, which repeal, by section 20 of such act, became effective on Sept. 1, 1948. See note under such section 171.

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 157. Visiting parts of vessel occupied by passengers.

Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$100, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than \$100 for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the fore-castle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than \$100. (Aug. 2, 1882, ch. 374, § 7, 22 Stat. 189.)

CROSS REFERENCES

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 158. Boarding vessel on arrival; passenger lists.

It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer,

agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel. On the arrival of any such steamship or other vessel within any collection district of the United States, the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Commissioner of Customs, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding \$1,000. (Aug. 2, 1882, ch. 374, § 9, 22 Stat. 189; Feb. 9, 1905, ch. 564, § 1, 33 Stat. 711; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

CODIFICATION

The first sentence of the first paragraph, and the second paragraph, of this section, are from the first and third paragraphs of section 9 of act Aug. 2, 1882.

The words "On the arrival of any such steamship or other vessel within any collection district of the United States," in the second sentence are from the second paragraph of the same section. The rest of that sentence is from act Feb. 9, 1905, which provided for the list therein specified in lieu of the list prescribed by section 9 of the act of 1882.

Section 2 of act Feb. 9, 1905, provided that the Act should take effect July 1, 1905.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of Commerce and Labor" to conform to act Mar. 4, 1913, which provided that the Secretary of Commerce and Labor should thereafter be called the Secretary of Commerce.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3. See note under section 1 of this title.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note under section 1 of this title.

CROSS REFERENCES

Penalty for boarding vessels before arrival, see section 2279 of Title 18, Crimes and Criminal Procedure.

Regulations as to boarding arriving vessels before inspection, see section 163 of this title.

§ 159. Death of passengers; payment to collector for.

In case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of \$10 for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease; and the master or consignees of any vessel who neglect or refuse to pay such collector, within the times described, the sums of money aforesaid, shall be liable to a penalty of \$50 in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury. (Aug. 2, 1882, ch. 374, § 10, 22 Stat. 190.)

§ 160. Inspection and examination of vessels; reports.

The collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of sections 151—162 and 171 of this title, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Commissioner of Customs at such times and in such manner as he shall direct. (Aug. 2, 1882, ch. 374, § 11, 22 Stat. 190; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

REFERENCES IN TEXT

Section 171 of this title, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 17, 62 Stat. 862,

eff. Sept. 1, 1948, and is now covered by section 2278 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury" to conform to act Feb. 14, 1903, which transferred certain powers and duties of the Secretary of the Treasury relating to merchant vessels and yachts to the Secretary of Commerce and Labor and act Mar. 4, 1913, which changed the designation of the Secretary of Commerce and Labor to Secretary of Commerce.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Commissioner of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" on authority of 1946 Reorg. Plan No. 3. See note under section 1 of this title.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note under section 1 of this title.

CROSS REFERENCES

Offices of surveyors of customs and appraisers of merchandise abolished except in Port of New York, see section 5a of Title 19, Customs Duties.

§ 161. Vessels carrying emigrant passengers to foreign countries; withholding clearance papers.

The provisions of sections 151—162 and 171 of this title shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of said sections have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of said sections have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$1,000, and be imprisoned not exceeding one year, and the

vessel shall be liable to seizure and forfeiture. (Aug. 2, 1882, ch. 374, § 12, 22 Stat. 191.)

REFERENCES IN TEXT

Section 171 of this title, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 17, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 2278 of Title 18, Crimes and Criminal Procedure.

§ 162. Fines and penalties; lien on vessel; recovery.

The amount of the several fines and penalties imposed by sections 151—162 and 171 of this title upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the said provisions, shall be liens upon such vessel, and such vessel may be libeled therefor in any district court of the United States where such vessel shall arrive or depart. (Aug. 2, 1882, ch. 374, § 13, 22 Stat. 191; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

REFERENCES IN TEXT

Section 171 of this title, referred to in the text, was repealed by act June 25, 1948, ch. 645, § 17, 62 Stat. 862, eff. Sept. 1, 1948, and is now covered by section 2278 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Reference to circuit court was eliminated to conform to act Mar. 3, 1911, which provided that references to circuit courts should be deemed references to the district courts.

CROSS REFERENCES

Remitting, mitigating or refunding of penalties under laws relating to vessels, see sections 7 and 8 of this title.

§ 163. Regulations as to boarding arriving vessels before inspection.

The Commissioner of Customs is authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of the Bureau of Customs. Each person violating such regulations shall be subject to a penalty of not more than \$100 or imprisonment not to exceed six months, or both, in the discretion of the court. This section shall be construed as supplementary to section 158 and section 708 of this title. (Mar. 31, 1900, ch. 120, §§ 1—3, 31 Stat. 58; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101—104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097.)

CODIFICATION

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of the Treasury," to conform to acts Feb. 14, 1903 and Mar. 4, 1913. See note under section 160 of this title.

Section 4 of act Mar. 31, 1900, provided that the act should take effect thirty days after its passage.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of the Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of the officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Commissioner

of Customs, referred to in this section, is an officer of the Treasury Department.

"Commissioner of Customs" was substituted for "Secretary of Commerce" and "the Bureau of Customs" for "that department" on authority of 1946 Reorg. Plan No. 3. See note under section 1 of this title.

ADMINISTRATIVE DELEGATION OF FUNCTIONS BY SECRETARY OF THE TREASURY

Administrative delegation of functions by Secretary of the Treasury, see note under section 1 of this title.

CROSS REFERENCES

Enforcement provisions, boarding vessels, see section 481 of Title 19, Customs Duties.

Misdemeanor as offense punishable by imprisonment for term not exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

Chapter 7.—CARRIAGE OF EXPLOSIVES OR DANGEROUS SUBSTANCES

Sec.

170. Regulation of carriage of explosives or other dangerous articles on vessels.
- (1) Vessel defined.
 - (2) Passenger-carrying vessel defined.
 - (3) Transportation, etc., of certain explosives prohibited.
 - (4) Transportation, etc., of certain high explosives on passenger-carrying vessels prohibited; exceptions.
 - (5) Same; non-passenger-carrying vessels.
 - (6) Transportation, etc., of other explosives or other dangerous articles; exceptions.
 - (7) Regulations for protection against hazards created by explosives or other dangerous articles.
 - (8) Masters, owners, etc., required to refuse unlawful transportation of explosives or other dangerous articles.
 - (9) Publication of, hearings on, and effective date of proposed regulations.
 - (10) Tendering explosives or other dangerous articles for shipment without divulging true character or in violation of section.
 - (11) Exemption of vessels from section or regulations when compliance unnecessary for safety.
 - (12) Agencies charged with enforcement.
 - (13) Detention of vessels pending compliance with section and regulations; penalty for false swearing.
 - (14) Violation of section or regulations; penalty; liability of vessel.
 - (15) Same; increased penalty in event of personal injury or death.
 - (16) Transportation of motor vehicles carrying gasoline, etc.; penalty for violations.
- 170a. Same; use by vessels of launches, lifeboats, etc., employing combustible fuel; regulations.
- 170b. Same; appropriations.
- 171—179. Repealed.

§ 170. Regulation of carriage of explosives or other dangerous articles on vessels.

(1) Vessel defined.

The word "vessel" as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 391a of this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo

in bulk in its own tanks: *Provided*, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 391a of this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.

(2) Passenger-carrying vessel defined.

The phrase "passenger-carrying vessel" as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.

(3) Transportation, etc., of certain explosives prohibited.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.

(4) Transportation, etc., of certain high explosives on passenger-carrying vessels prohibited; exceptions.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerine, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerine) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Commandant of the Coast Guard established hereunder.

(5) Same; non-passenger-carrying vessels.

It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) of this section except as permitted by the regulations of the Commandant of the Coast Guard established hereunder.

(6) Transportation, etc., of other explosives or other dangerous articles; exceptions.

(a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, except one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Commandant of the Coast Guard established hereunder: *Provided*, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carry-