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Sinnot Vs. Davenport

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Court : US Supreme Court

Decided On : 1859

Appeal No. : 63 U.S. 227

Appellant : Sinnot

Respondent : Davenport

Judgement :

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U.S. Supreme Court Sinnot v. Davenport, 63 U.S. 22 How. 227 227 (1859)

Sinnot v. Davenport

63 U.S. (22 How.) 227

ERROR TO THE SUPREME COURT

OF THE STATE OF ALABAMA

SYLLABUS

A law of the State of Alabama, passed in 1854, requiring the owners of steamboats navigating the waters of the state, before such boat shall leave the port of Mobile, to file a statement in writing, in the office of the Probate Judge of

Mobile County setting forth first, the name of the vessel; second, the naive of the owner or owners; third, his or their place or places of residence; fourth, the interest each has in the vessel -- is in conflict with the Act of Congress passed on the 17th of February, 1793, so far as the state law is brought to bear upon a vessel which had taken out a license, and was duly enrolled under the act of Congress for carrying on the coasting trade and plied between New Orleans and the Cities of Montgomery and Wetumpka, in Alabama.

The state law in such a case is therefore unconstitutional and void.

An act of Congress, passed in pursuance of a clear authority under the Constitution, is the supreme law of the land, and any law of a state in conflict with it is inoperative and void.

The facts of the case are stated in the opinion of the Court.

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MR. JUSTICE NELSON delivered the opinion of the Court.

This is a writ of error to the Supreme Court of the State of Alabama.

The suit was brought by the plaintiffs below, commissioners of pilotage of the harbor of Mobile, against the steamboat *Bagaby,* of which Sinnot, the defendant, was master, to recover certain penalties for a violation of the law of the State of Alabama, passed February 15, 1854, entitled "An act to provide for the registration of the names of steamboat owners."

The 1st section of the act provides that it shall be the duty of the owners of steamboats navigating the waters of the state, before such boat shall leave the port of Mobile, to file in the office of the probate judge a statement in writing, setting forth the name of the steamboat and of the owner or owners, his or their place or places of residence, and their interest therein, which statement shall be signed and sworn to by the owners, or their agent or attorney, and which statement shall be recorded by the said judge of probate; and also, in case of a

sale of said boat, it is made the duty of the vendee to file a statement of the change of ownership, his place of residence, and the interest transferred, which statement shall be signed by the vendor and vendee, his or their agent or attorney, and recorded in the office of the aforesaid judge.

The 2d section provides that if any person or persons, being owner or owners of any steamboat, shall run, or permit the same to be run or navigated, on any of the waters of the state,

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without having first filed the statement as provided by the act, he or they shall forfeit the sum of $500, to be recovered in the name of the commissioners of pilotage of the Bay of Mobile, either by a suit against the owners or by attachment against the boat, the one half to the use of the commissioners, and the other half to the person or persons who shall first inform said commissioners.

The steamboat *Bagaby* in question was seized and detained under this act until discharged, on a bond being given to pay and satisfy any judgment that might be rendered in the suit. A judgment was subsequently rendered against the vessel in the City Court of Mobile for the penalty of $500, with costs, which, on an appeal to the supreme court was affirmed.

The material facts in the case are that the steamboat was engaged in navigation and commerce between the City of New Orleans, in the State of Louisiana, and the Cities of Montgomery and Wetumpka, in the State of Alabama, and that she touched at the City of Mobile only in the course of her navigation and trade between the ports and places above mentioned; that she was an American vessel, built at Pittsburgh, in the State of Pennsylvania, and was duly enrolled and licensed in pursuance of the laws of the United States, and had been regularly cleared at the port of New Orleans for the ports of Montgomery and Wetumpka, whither she was destined at the time of the seizure and detention under the act in question.

The plaintiffs in error, the master, and stipulators in the court below, insist that the judgment rendered against them is erroneous, upon the ground that the statute of the Legislature of the State of Alabama is unconstitutional and void, it being in conflict with that clause in the Constitution which confers upon Congress the power "to regulate commerce with foreign nations and among the several states," and the acts of Congress passed in pursuance thereof. The act of Congress relied on is that of the 17th February, 1793, providing for the enrollment and license of vessels engaged in the coasting trade. The force and effect of this act was examined in the case of *Gibbons v. Ogden,* 9 Wheat. 210, 22 U. S. 214 , and it was there held that vessels enrolled and licensed in pursuance of it had conferred

upon them as full and complete authority to carry on this trade as was in the power of Congress to confer.

The Chief Justice says, speaking of the 1st section:

"This section seems to the court to contain a positive enactment that the vessels it describes shall be entitled to the privileges of ships or vessels employed in the coasting trade. These privileges cannot be separated from the trade, and cannot be enjoyed unless the trade may be prosecuted."

Again, the Court said, to construe these words otherwise than as entitling the ships or vessels described to carry on the coasting trade would be, we think, to disregard the apparent intent of the act. And again, speaking of the license provided for in the 4th section, the word "license" means permission or authority, and a license to do any particular thing is a permission or authority to do that thing, and, if granted by a person having power to grant it, transfers to the grantee the right to do whatever it purports to authorize. It certainly transfers to him all the right which the grantor can transfer, to do what is within the terms of the license.

The license is general in its terms, according to the form given in the act of Congress:

"License is hereby granted for the said steamboat naming her to be employed in carrying on the coasting trade for one year from the date hereof, and no longer."

In the case already referred to, it was denied in the argument that these words authorized a voyage from New Jersey to New York. The Court observed, in answer to this objection:

"It is true that no ports are specified; but it is equally true that the words used are perfectly intelligible, and do confer such authority as unquestionably as if the ports had been mentioned. The coasting trade is a term well understood. The law has defined it, and all know its meaning perfectly. The act describes with great minuteness the various operations of vessels engaged in it, and it cannot, we think, be doubted that a voyage from New Jersey to New York is one of those operations."

On looking into the act of Congress regulating the coasting trade, it will be found that many conditions are to be complied

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with by the owners of vessels, before the granting of the enrollment or license.

1. The vessel must possess the same qualifications, and the same requisites must be complied with, as are made necessary to the registering of ships or vessels engaged in the foreign trade by the act of December 31, 1792. These conditions are many and important, as will be seen by a reference to the act.

2. A bond must be given by the husband, or managing owner, and the master, with sureties to the satisfaction of the collector, conditioned that such vessel shall not be employed in any trade by which the United States shall be defrauded of its revenues; and also the master must make oath that he is a citizen of the United States; that the license shall not be used for any other vessel or any other employment than that for which it is granted, or in any trade or business in fraud of the public revenues, as a condition to the granting of the license. These are the guards and restraints, and the only guards and restraints, which Congress has

seen fit to annex to the privileges of ships and vessels engaged in the coasting trade, and upon a compliance with which, as we have seen, as full and complete authority is conferred by the license to carry on the trade as Congress is capable of conferring.

Now the act of the Legislature of the State of Alabama imposes another and an additional condition to the privilege of carrying on this trade within her waters -- namely, the filing of a statement in writing, in the office of the Probate Judge of Mobile County, setting forth 1. the name of the vessel; 2. the name of the owner or owners; 3. his or their place or places of residence; and 4. the interest each has in the vessel. Which statement must be sworn to by the party, or his agent or attorney. And the like statement, *mutatis mutandis,* is required to be made each time a change of owners of the vessel takes place. Unless this condition of navigation and trade within the waters of Alabama is complied with, the vessel is forbidden to leave the port of Mobile, under the penalty of $500 for each offense.

If the interpretation of the court as to the force and effect of the privileges afforded to the vessel by the enrollment and license in the case of *Gibbons v. Ogden,* are to be maintained,

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it can require no argument to show a direct conflict between this act of the state and the act of Congress regulating this trade. Certainly, if this state law can be upheld, the full enjoyment of the right to carry on the coasting trade, as heretofore adjudged by this Court, under the enrollment and license, is denied to the vessel in question.

If anything further could be necessary, we might refer to the enrollment prescribed by the act of Congress, by which it is made the duty of the owner to furnish, under oath, to the collectors, all the information required by this state law, and which is incorporated in the body of the enrollment. Congress, therefore, has legislated on the very subject which the state act has undertaken to regulate, and has limited its regulation in the matter to a registry at the home port.

It has been argued, however, that this act of the state is but the exercise of a police power, which power has not been surrendered to the general government, but reserved to the states, and hence, even if the law should be found in conflict with the act of Congress, it must still be regarded as a valid law, and as excepted out of and from the commercial power.

This position is not a new one; it has often been presented to this Court, and in every instance the same answer given to it. It was strongly pressed in the New York case of *Gibbons v. Ogden.* The Court, in answer to it, observed:

"It has been contended, that if a law passed by a state, in the exercise of its acknowledged sovereignty, comes in conflict with a law passed by Congress in pursuance of the Constitution, they affect the subject and each other, like equal opposing forces."

But, the Court said the framers of the Constitution foresaw this state of things, and provided for it, by declaring the supremacy not only of itself, but of the laws made in pursuance of it. The nullity of any act inconsistent with the Constitution is produced by the declaration that the Constitution is the supreme law. The appropriate application of that part of the clause which confers the same supremacy on laws and treaties, is to such acts of the state legislatures as do not transcend their powers, but, though enacted in the execution of acknowledged state powers, interfere with or are contrary

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to the laws of Congress, made in pursuance of the Constitution, or some treaty made under the authority of the United States. In every such case, the act of Congress or treaty is supreme, and the law of the state, though enacted in the exercise of powers not controverted, must yield to it. The same doctrine was asserted in the case of *Brown v. State of Maryland,* 12 Wheat. 448-449, and in numerous other cases. 46 U. S. 5 How. 573-574, 46 U. S. 579 , 46 U. S. 581 ; 27 U. S. 2 Pet. 251-252; 17 U. S. 4 Wheat. 405-406, 17 U. S. 436

We agree that in the application of this principle of supremacy of an act of Congress in a case where the state law is but the exercise of a reserved power, the repugnance or conflict should be direct and positive, so that the two acts could not be reconciled or consistently stand together, and also that the act of Congress should have been passed in the exercise of a clear power under the Constitution, such as that in question.

The whole commercial marine of the country is placed by the Constitution under the regulation of Congress, and all laws passed by that body in the regulation of navigation and trade, whether foreign or coastwise, is therefore but the exercise of an undisputed power. When, therefore, an act of the legislature of a state prescribes a regulation of the subject repugnant to and inconsistent with the regulation of Congress, the state law must give way, and this without regard to the source of power whence the state legislature derived its enactment.

This paramount authority of the act of Congress is not only conferred by the Constitution itself, but is the logical result of the power over the subject conferred upon that body by the states. They surrendered this power to the general government, and to the extent of the fair exercise of it by Congress, the act must be supreme.

The power of Congress, however, over the subject does not extend further than the regulation of commerce with foreign nations and among the several states. Beyond these limits, the states have not surrendered their power over the subject, and may exercise it independently of any control or interference of the general government, and there has been much

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controversy, and probably will continue to be, both by the bench and the bar, in fixing the true boundary line between the power of Congress under the commercial grant and the power reserved to the states. But in all these discussions, or nearly all of them, it has been admitted, that if the act of Congress fell clearly within the power conferred upon that body by the Constitution, there was an end of the

controversy. The law of Congress was supreme.

These questions have arisen under the quarantine and health laws of the states -- laws imposing a tax upon imports and passengers, admitted to have been passed under the police power of the states, and which had not been surrendered to the general government. The laws of the states have been upheld by the court, except in cases where they were in conflict, or were adjudged by the court to be in conflict, with the act of Congress.

Upon the whole, after the maturest consideration the Court has been able to give to the case, we are constrained to hold that the act of the legislature of the state is in conflict with the Constitution and law of the United States, and therefore void.

The judgment of the court below is reversed.

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