

SHINN v. MCKNIGHT.

[4 Cranch, C. C. 134.]¹

Circuit Court, District of Columbia. April Term, 1831.

HARBORS—FEES—BAY CRAFT—VIRGINIA STATUTE.

The harbor master in Alexandria, D. C, has no right to charge fees upon vessels which come from Philadelphia through the Delaware canal, from the Delaware bay to the Chesapeake bay, and thence to Alexandria. They are to be considered as bay craft.

Appeal from the judgment of a justice of the peace for harbor master's fees in the port of Alexandria, D. C.

CRANCH, Circuit Judge, delivered the opinion of the court (THRUSTON, Circuit Judge, absent). It is understood by the court that the vessels for which the harbor master, McKnight, the appellee, has charged his fees, in this case, were vessels employed as packets which came from Philadelphia through the Delaware canal, from the Delaware bay to the Chesapeake bay, and thence to Alexandria. These vessels, we think, come within the meaning of the term bay craft, in the act of assembly of Virginia, respecting harbor masters, January 18, 1798, pp. 14, 381, and that the harbor master is not entitled to fees in such cases. The act does not confine the term "bay craft" to Virginia vessels, nor is there any evidence that it has been so confined during the long practice under the law. Bay craft belonging to, or coming from Maryland, have been considered, in practice, as much exempt from fees as Virginia bay craft; and the fact that the craft came from Philadelphia through Delaware and Maryland cannot make any difference in principle. If the act could be considered as giving an exclusive advantage to Virginia vessels, I doubt whether it would not be void, as derogating from the

exclusive right given to congress by the constitution of the United States, to regulate commerce among the several states. I am therefore of opinion that the judgment of the justice was erroneous, and must be reversed with costs.

MORSELL, Circuit Judge, concurred.

Judgment reversed, with costs.

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SHIP.

{Cases cited under this title will be found arranged in alphabetical order under the names of the vessels; e. g. "The Ship Sabiouello. See Sabioncello."}

¹ [Reported by Hon. William Cranch, Chief Judge.]

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