

## CHAPTER XXXVI.

## AN ACT

*Concerning Passengers arriving in the Ports of the State of California.*

*The people of the State of California, represented in Senate and Assembly, do enact as follows :*

Masters of ves-  
sels, their duties  
after arrival.

Report.

Contents.

Neglect of duty.

SEC. 1. Within twenty-four hours after the landing of any passenger, from any vessel arriving at any of the ports of this State, from any of the United States, other than this State, or from any country out of the United States, the master or commander of the vessel, from which such passenger or passengers shall have been landed, shall make a report, in writing, on oath or affirmation, to the Mayor, or chief municipal officer, at such port, (or in case of his absence or inability to serve, to the person discharging the duties of his office,) which report shall state the name, place of birth, last legal residence, age and occupation, of every person or passenger who shall have landed from such vessel, in her last voyage to such port, not being a citizen of the United States, and who shall have within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been banded, or who have paid the commutation money, according to the provisions of this Act or any former Act. The said report shall contain a like statement of all such persons or passengers as shall have landed or been suffered to land, from any such vessel, at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify, if either or any of said passengers or persons, so reported, are lunatic, idiot, deaf, dumb, blind, crippled or infirm ; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also specify, particularly, the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passengers, with the particulars aforesaid, or shall make any false report or statement in respect to any person or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars herein before specified, such master or

commander shall forfeit the sum of two hundred and fifty dollars, for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, and also for every neglect, omission, or false report made by him, as to the owner or owners of such vessel. For the payment of such penalty, so incurred, the owner or owners, consignee or consignees, of every such vessel, shall be liable jointly and severally.

Penalty.

SEC. 2. It shall be the duty of the Mayor, as aforesaid, by an endorsement to be made on said report, to require the owner or consignee of the vessel, from which such passengers or persons have been landed, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars, for each and every person or passenger included in such report, conditioned to indemnify and save harmless, each and every county, town or city, in this State, and also the Trustees of the several State Hospitals, against all costs and expenses which may be by them or any of them necessarily incurred for the relief, support or medical care of the persons named in the bond, within two years from the date of such bond. Each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove, by oath or otherwise endorsed in writing, on such bond, that he is a free holder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and responsibilities, and any responsibilities actual or contingent, which may accrue from or under any former bond, given under the provisions of this Act. Such bond may, at the option of the party be secured by the mortgage of real estate, or by the pledge and transfer of the stock of the United States, or of the funded debt, or Comptroller's Warrants of this State in any amount sufficient to secure said bond. Such bonds and securities, in all cases, to be approved by the Mayor, in writing endorsed upon the bond, or securities, after sufficient inquiry, on his part, into the same.

Duty of the Mayor to require bonds.

Conditions.

Sureties.

SEC. 3. Within three days after the landing of such persons or passengers, from any vessel in any of the ports of this State, it shall be lawful for the master or commander, owner or consignee of said vessel, to commute for the bond or bonds required by section two, of this Act, by paying to the Mayor a sum of money not less than five dollars, nor more than ten dollars, for each and every passenger reported, as in section one of this Act required. Upon the payment of such commutation money, and the filing with the Comptroller of State, of the receipt of said Mayor therefor, by the party paying the same, as in the next section; *Provided*, such party shall be discharged from the requirements of giving bonds as aforesaid.

Authority to commute.

SEC. 4. It shall be the duty of the Mayor, receiving such commutation money, or any moneys received from fines or forfeitures under this Act, to account for and pay the same on the first Tuesday of every month, to the Treasurer of State, in the same manner in which County Treasurers are by law required

Commutation money.

How appropriated.

- to account; and he shall annex to his account an affidavit of its correctness. The Mayor shall specify, in his account, the names of the parties paying such sum or sums of money, the amount paid by each, the date of such payment and the name of the vessel and the number of passengers on account of whom it was paid. The Mayor shall furnish to the parties, paying such commutation money, receipts in duplicate, specifying the amount paid, and the name of the vessel or vessels, and the number of passengers on account of whom it was paid. The party paying such commutation money, shall file with the Comptroller of State his duplicate receipt, and shall thereupon be discharged from the requirement of giving bonds as aforesaid. It shall be the duty of the Comptroller of State, to file such duplicate receipts in his office, and to compare the same with the accounts of the several Mayors, when rendered monthly.
- Accounts of Mayor.**  
**Contents.**  
**Mayors' duties.**
- Paupers, &c.** SEC. 5. Whenever, in the opinion of such Mayor, there be among the passengers or persons in any vessel, any lunatic, idiot, deaf, dumb, blind, cripple or infirm person, not members of families, or who, from attending circumstances, are likely to become permanently a public charge, or who have been paupers in any other country, or who from sickness or disease existing either at the time of departure from the port of departure, or at the time of their arrival in any part of this State, are a public charge, or likely soon to become so, it shall be the duty of such Mayor, to require in the endorsement, made according to section two of this Act, or in any subsequent endorsement or endorsements, in addition to the bond provided for in section two, that the owner or consignee of such vessel, shall execute for every such passenger or person a further bond, joint and several, to the people of this State, in the sum of one thousand dollars. Such bond shall be conditioned and secured in the same manner as the bond in section two. *Provided*, the subsequent endorsement, in this section mentioned, may be made at any time within twenty days after the landing of any such persons or passengers. The sureties on the bond in this section provided, shall justify in double the penalty of such bond, in the manner provided for the sureties to the bond mentioned in section two of this Act.
- Additional security to be required.**
- Recovery upon bonds.** SEC. 6. If any person for whom a bond shall have been given under this Act, shall within the time specified in such bond, become chargeable upon any city, town or county of this State, or upon the Trustees of any State Hospital, an action may be brought upon such bond in the name of the people of this State, by the Treasurer of the County, or the Trustees of said State Hospital, as the case may be. The plaintiff in said action shall be entitled to recovery upon such bonds, from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said Trustees of any State Hospital for the maintenance and support of the person, for which said bond may have been given as aforesaid. The amount of such recovery may be collected

from the sale of the real or other security, mortgaged, pledged, or deposited therefor, in conformity with this Act.

SEC. 7. If any owner or consignee, as aforesaid, shall neglect or refuse to give the bond or bonds, with security therefor as in this Act required, for each person or passenger landing from his vessel, within three days after the landing of such person or passenger, in respect to bonds required by section two of this Act, or shall not within that time, have paid the money authorized by section three, to be received in cases where such bonds are commuted for, every such owner or consignee of such vessel, severally and respectively, shall be subject to a penalty of one thousand dollars, for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this Act. A penalty of two thousand dollars shall be incurred by every such owner or consignee, severally and respectively, for every neglect or refusal to give the bond or bonds, in section five of this Act, required for each person or passenger, landing from a vessel for whom such bond or bonds shall be required by the Mayor, by his endorsement, as in said section five provided, within three days after the making of such endorsement. Such penalty of two thousand dollars to be for each and every passenger on whose account such bond may have been required.

Refusal or neglect to give bonds.

Penalty.

SEC. 8. All moneys paid into the State Treasury under this Act, shall be and hereby are set apart and appropriated as a Hospital Fund for the support and maintenance of the State Hospitals now existing, or which may be hereafter created by law. Said Fund shall in all instances be first chargeable with the expenses and maintenance of the said State Hospital and shall be paid out upon the Warrants of the Comptroller of State, to be issued monthly in favor of the Treasurer of each of said Hospitals. Said fund shall be apportioned as follows, between the several State Hospitals, viz: Three-fifths to the State Marine Hospital, at San Francisco, one-fifth to the Sacramento State Hospital, and one-fifth to the Stockton State Hospital. If said fund shall not furnish a revenue sufficient to defray the expenses and maintenance of said Hospitals, then, and not otherwise, the other appropriations now made by law shall be applied to defray the deficiency, and the surplus, if any, remaining from such appropriations shall be at the end of every six months of the fiscal year, turned over to the credit of the General Fund.

Revenue under this Act.

Appropriation.

Hospital Fund.

Division.

Surplus.

SEC. 9. For all fines and penalties imposed by this Act, upon any master or commander, owner or consignee, for any omission, neglect, or refusal to perform, any act or duty required by this Act, such vessel shall also be liable; and the amount of such fines or penalties shall be a lien on such ship, steamer, or vessel, prior to all other liens, except those for seaman's wages, bottomry bonds and respondentia. In the ports of this State, where State Hospitals are now or may hereafter be established by law, such penalties and fines may be sued for and recovered in a civil action with costs of suit, by and in the name of the

Liability of vessels.

How enforced.

Trustees of said State Hospitals respectively; and in the city of San Francisco, by the Trustees of the State Marine Hospital, in any court having cognizance thereof; and when recovered, shall be applied to the support of such Hospital, by such Trustees respectively; in all other ports, such suits may be brought by and in the name of the Mayor of such port. It shall be lawful for the said Trustees of the said Hospitals, respectively, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper. They may also commute and compound with the owner or consignee of any ship, steamer or vessel, for any such bond or bonds as are required in section five of this Act, to be given by such owner or consignee, for such person or persons, passenger or passengers, as have been paupers in any other country, or who, from their condition, at the time of their arrival, in any part of this State, or from sickness or disease at the time of their leaving the port of departure, are a public charge, or are likely soon to become so; such commutation to be fixed by such Trustees, at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses, consequent upon the care, support and maintenance of the persons for whom such commutation shall be made, during the existence and continuance of their then sick, disabled or infirm state.

Mayor may compound or commute.

Paupers.



SEC. 10. In all cases of justification of sureties required under this Act, the sureties shall justify before the Mayor, required to approve the bond. The Mayor is hereby authorized to administer the oath or affirmation required upon such justification, for which he shall be allowed the same fees allowed by law to a Notary Public, for the same service. Every master or commander of any vessel, shall at the time of making his report, as in section one provided, make oath or affirmation, before the Mayor to whom such report is made, who is hereby authorized to administer such oath or affirmation, and to receive therefor the same fee as in case of justification of sureties.

Captain's oath.

Applications of words in this act.

SEC. 11. The word "vessel," whenever used in this Act, shall be held to include ships, steamers, barques, brigs, schooners, sloops, boats, and all other descriptions of water craft. The word "Mayor," whenever used in this Act, shall be held to include every Mayor of a city, or Officer, or Board discharging the duties of Mayor, or chief Municipal Officer.

Governor to appoint Commissioner of Immigration.

SEC. 12. For the city of San Francisco there shall be appointed by the Governor of State, by and with the advice and consent of the Senate, a Commissioner of Emigrants who shall in that city discharge the duties required by this Act, to be discharged by the Mayor of a city, and who shall have all the powers and authority, for that purpose, conferred by this Act upon Mayors of cities. He shall hold his office for two years, and before entering upon its duties he shall file in the office of Secretary of State, a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the Governor for the faithful performance of his duties. He shall receive a commission of five per cent. on all moneys collected

Bond.

Fees.

by him and paid into the State Treasury under this Act, he shall approve all bonds, and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this Act provided. Whenever, in the city of San Francisco, it shall appear to said Commissioner, or in any other port of this State, to the Mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section one of this Act provided, such Commissioner or Mayor, shall have a right to enquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner by subpoena and attachment, as is provided for compelling the attendance of witnesses before District Courts in civil cases. The depositions taken in writing, before said Mayor or Commissioner, may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond according to the provisions of this Act, with the like effect, as if regularly taken in such suit, subject to all legal exceptions thereto.

Mayor may act.

His duties.

Powers of Commissioner.

Depositions.

Sec. 13. The Consuls, Ministers, Agents, or public functionaries, of any foreign government, arriving within this State, in their official capacity, are exempted from the provisions of this Act.

Persons exempt.

Sec. 14. Sections one, two and three, of an Act entitled "An Act to provide a revenue for the State Marine Hospital at San Francisco," passed twenty-sixth of March, eighteen hundred and fifty-one, and "An Act amendatory of "An Act providing for the creation of a Marine Hospital, for the State of California," passed seventh of February, eighteen hundred and fifty-one, are hereby repealed.

Sections of former acts repealed.

Sec. 15. The Governor may at any time, for cause shown, remove said Commissioner of Emigrants, and fill the vacancy by an appointment *pro tempore*, during the recess of the Senate, until the next session of the Senate.

The Governor may remove Commissioner.

Sec. 16. This Act shall take effect from and after its passage.

Commencement of this Act.

APPROVED May 3, 1852.

