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1851

NEW YORK (STATE) LAWS,
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AMENDMENTS TO ACTS IN REGARDS
PASSENGERS IN VESSELS

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AMENDMENTS TO ACTS

IN REGARD TO

PASSENGERS IN VESSELS

COMING TO THE

PORT OF NEW YORK.

PASSED JULY 11, 1851.

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CHAPTER 523.

AN ACT

To amend chapter four hundred and eighty-three, of the laws of eighteen hundred and forty-seven, chapter three hundred and fifty, of the laws of eighteen hundred and forty-nine, chapter two hundred and seventy-five, of the laws of eighteen hundred and fifty, and chapter three hundred and thirty-nine, of the laws of eighteen hundred and fifty, acts concerning passengers coming to the city of New York and the public health.

PASSED JULY 11, 1851.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. The third section of chapter three hundred and thirty-nine, of the laws of eighteen hundred and fifty, is hereby amended so as to read as follows: Whenever any alien emigrant, whose personal property shall not exceed the value of twenty-five dollars, shall die on the passage to the port of New York, or in the Marine Hospital, or in any other establishment under the charge of the Commissioners, and in all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying, as aforesaid, the personal property which such alien emigrant, or such parent or parents may have had with them shall be taken in charge by the Commissioners of Emigration, to be by them appropriated for the sole benefit of the next of kin of such alien emigrant or of said orphan children; and said Commissioners shall give, in their annual report to the Legislature, a minute description of all cases in which property shall come

into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other persons entitled by will or otherwise to such property or distributive share thereof. Whenever it shall so appear, the portion only to which the next of kin or said minor orphans would be legally entitled, shall be transferred to them or applied to their use, and the remainder shall be received, held and distributed to the parties severally entitled thereto, in the same manner and with the same authority as by law provided in respect to the public administrator of the city of New York, except that the said Commissioners are hereby authorized to distribute the same after a notice for creditors to appear and put in their claims within one week from the publication of the said notice. The said notice shall be published once in one of the daily papers of the city of New York.

§ 2. The third section of chapter four hundred and eighty-three, of the laws of eighteen hundred and forty-seven, is hereby amended, so as to read as follows: The Commissioners of Emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children, actually chargeable upon, or receiving support from said Commissioners, as are now by law conferred upon the Governors of the Alms House, by section seven of chapter three hundred and twenty-four, of laws of eighteen hundred and fifty.

§ 3. The first section of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, as the same was amended by the first section of an act entitled "An act to amend certain acts concerning passengers coming to the city of New York," passed April eleventh, eighteen hundred and forty-nine, is hereby further amended so as to read as follows: Within twenty-four hours after the landing of any passenger from any ship or vessel arriving at the port of New York, 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 ship or vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation to the mayor of the city of New York, or in case of his absence, or other 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 ship or vessel on her last voyage to said port, not being a citizen of the United States, and who shall have, within the last twelve months, arrived from any country, out of the United States, at any place within the United States, and who shall not have paid the commutation money, or been bonded according to the provisions of this act, or of the act hereby amended, or of the act of February eleventh, eighteen hundred and twenty-four, concerning passengers in vessels coming to the port of New York, nor paid commutation money under the provisions of this or any former act. The same report shall contain a like statement of all such persons or passengers aforesaid, as shall have been landed, or been suffered to land from any such ship or vessel at any place during such last voyage, or who shall have been put on board, or suffered to go on board of any other ship, vessel or boat with the intention of proceeding to and landing at the said city of New York, or elsewhere, within the limits of this state. The said report shall further specify whether any of the said passengers, so reported, are lunatic, idiot, deaf, dumb, blind, infirm, maimed, or above the age of sixty years, also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families, and shall further specify particularly the names, last place of residences and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to any of the particulars herein before specified, such master or commander shall forfeit the sum of seventy-five 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, for which the owner or owners, consignee or consignees of every such ship or vessel shall also be liable, jointly and sever-

ally, and which may be sued for and recovered, as hereinafter provided.

§ 4. Section third of the said act, concerning passengers coming to the city of New York, passed May fifth, eighteen hundred and forty-seven, as the same was amended by section three of the act to amend certain acts, concerning passengers coming to the port of New York, passed April eleventh, eighteen hundred and forty-nine, is hereby further amended so as to read as follows: It shall be the duty of the commissioners of emigration, hereafter named, to examine into the condition of passengers arriving at the port of New York in any ship or vessel, and for that purpose all or any of the said commissioners, or such other person or persons as they shall appoint, shall be authorized to go on board and through any such ship or vessel, and if on such examination there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind, maimed, or infirm persons or persons above the age of sixty years, or widow with a child or children, or any woman without a husband, and with a child or children, or any person unable to take care of himself or herself without becoming a public charge, or who, from any attending circumstances, are likely to become a public charge, or who from sickness or disease, existing at the time of departure from the foreign port, are or are likely soon to become a public charge, they shall report the same to the said Mayor particularly, and thereupon, and unless a bond, as required in the second section of this act, shall have been given, the said Mayor, or the person discharging the duties of his office, shall require in the endorsement to be made as aforesaid, or in any subsequent endorsement or endorsements thereon, and in addition to the commutation money, that the owner or consignee of such ship or vessel, with one or more sufficient sureties, shall execute a joint and several bond to the people of the state in a penalty of five hundred dollars, for every such passenger, conditioned to indemnify and save harmless the commissioners of emigration, and each and every city, town or county within the state from any further cost or charge, which said commissioners, or any such city, town or county shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within five years from the date of such bond. The sureties to the said

bonds shall be required to justify before and to the satisfaction of the officer making such endorsement, and by their oath or affirmation shall satisfy such officer that they are respectively residents of the State of New York, and worth double the amount of the penalty of such bond, over and above all debts, liabilities, and all property exempt from execution. The subsequent endorsement authorized in this section, may be made at any time within thirty days after such examination, or of the landing of any such person or passenger.

§ 5. The eighth section of chapter three hundred and fifty, of the laws of eighteen hundred and forty-nine, is hereby amended so as to read as follows: The commissioners of emigration are authorized to employ and appoint and dismiss at pleasure a superintendent, physicians, and such other officers, nurses and orderlies, and such servants, as they shall deem necessary for the management and care of the marine and other hospitals used for quarantine purposes, and to pay all needful expenses therefor out of the moneys under their control; but the moneys received under any of the provisions of this act, as commutation money, or upon bonds given for or on account of any persons or passengers landing from vessels at the port of New York, or elsewhere, shall not be applied or appropriated to any other purpose or use than to defray the expenses incurred for the care, support, or maintenance of such persons or passengers, nor shall such passengers be entitled to any aid from the commissioners of emigration after they shall have left the State of New York, and been absent therefrom for more than one year. Nothing in this act contained shall be deemed to affect the authority of the board of health, nor the mode of appointment of the health officer, resident physician, or commissioner of health of the city of New York, or to prevent the health officer from selecting his own medical assistants, other than those of the marine hospital, for any duties required by law to be discharged by him, or under his authority.

§ 6. Section seventeen of chapter three hundred and fifty, of laws of eighteen hundred and forty-nine, is hereby amended so as to read as follows: The commissioners of emigration are authorized to require the health officer to perform the duties of physician

to the marine hospital; in which case he shall reside within the quarantine enclosure, and perform the duties of physician of marine hospital, and all other duties appertaining to that office, and discharge the patients from the hospital without compensation therefor, other than is now by law allowed him as health officer, and he shall not be entitled to demand or receive from the commissioners of emigration any pay or compensation whatever for services performed by him, except where a written contract to that effect shall have been entered into by them. He shall also perform the duties of superintendent without compensation, if so required by the commissioners of emigration, and at and after the expiration of the term of the present health officer he shall pay the wages of the boatmen whom they shall respectively employ, and the commissioners of emigration shall in no respect be liable therefor.

§ 7. Section second of chapter three hundred and fifty of the laws of eighteen hundred and forty-nine, is hereby amended so as to read as follows: It shall be the duty of the said mayor or other person discharging the duties of his office aforesaid, by an endorsement to be made on the said report, to require the owner or consignee of the ship or vessel from which such persons were landed, to give a several bond to the people of the State, in a penalty of three hundred dollars for each and every person or passenger included in such report, such bond being secured as hereinafter provided, and conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town, or county in this State from any cost, which said commissioners or such city, town or county shall incur for the relief or support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund to the said commissioners of emigration, any expense or charge they may necessarily incur for the support or medical care of the persons named therein if received into the marine hospital or any other institution under their charge. Each and every bond shall be secured by two or more sufficient securities, being residents of the State of New York, each of whom shall prove by oath or otherwise, that he is owner of a freehold in the State of the value of three hundred dollars, over and all or any claim or lien thereon, or against him, including therein any

contingent claim which may accrue from or upon any former bond given under the provisions of this act, or such bond may, at the option of the party be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States or of the State of New York, or of the city of New York, or by deposit of the amount of the penalty in some bank or trust company; such security, real or personal, having been first approved by the said mayor. It shall be lawful for any owner or consignee at any time within twenty-four hours after the landing of such persons or passengers from any ship or vessel in the port of New York, except as in the section hereinafter provided, to commute for the bond or bonds so required, by paying to the health commissioner of the city of New York, the sum of one dollar and fifty cents for each and every passenger reported by him as by law required; the receipt of such sum by said health commissioner shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided. The said health commissioner is hereby required to pay over daily, the said money, with an account thereof to the chamberlain of the city of New York. But no owner or consignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New York, between the first day of December and the fifteenth day of April, who may be sent to the marine hospital from ship board by the health officer, or by the authority of the board of health of the city of New York on account of illness from ship fever. The commissioners of emigration shall have authority to commute specially for any bond in such cases, at such rates and in such manner, as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay to the commissioners of emigration the names of all passengers sent by his order during the above mentioned period from ship board to the marine hospital on account of illness from ship fever. For the duties performed by the health commissioner and named in this section, he shall be paid by the commissioners of emigration at the rate of seventeen hundred and fifty dollars per annum, and he shall be paid the remainder of his salary by the mayor, aldermen and commonalty of the city of New York. And at and after the expiration of the term of the present health commissioner, it shall be lawful for the commissioners of emigration to select for the performance

of the duties named in this section and now performed by the commissioner of health, either the Mayor of the city of New York, or the chamberlain of said city, or the health commissioner, and the compensation for the performance of said duties shall be so much as such officer so selected and the commissioners of emigration may agree upon, and thereafter the salary of the health commissioner shall be fixed by the mayor, aldermen, and commonalty of the city of New York, and paid from the treasury of said city.

§ 8. The commissioners of emigration are hereby authorized and empowered by and with the consent and approval of the governor, comptroller and attorney-general, to sell or exchange, and give conveyances for any lands or any portion thereof, which have been or may hereafter be purchased by them as such commissioners.

§ 9. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 10. The provisions of this Act so far as it relates to the abolition of the office and duties of the Physician to the Marine Hospital shall not take effect until the first day of January next.

§ 11. This Act shall take effect immediately.

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