
CHAPTER XVIII.

An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners.

[Approved March 17th, 1880.]

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

SECTION 1. Section six of the Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, is hereby amended to read as follows:

Dedication
to public use
of streets
and blocks.

Section 6. The blocks and parts of blocks formed by the change of the water front and the extension of streets to the

thoroughfare aforesaid, are hereby set apart and dedicated to public use as open spaces, to be used in connection with said thoroughfare, and for the same purposes, and the said Commissioners shall put the same in proper condition for such use. Said spaces, when prepared for use, shall be on a level with said thoroughfare, and the sidewalks shall be constructed with proper openings for the passage of vehicles. The Commissioners shall have the same jurisdiction and control thereof as over said thoroughfare and the wharves.

SEC. 2. The said Commissioners are authorized to set apart and use that portion of the water front and thoroughfare situated between the west line of Powell Street and north line of Francisco Street for the landing and loading of grain and other merchandise, and may erect thereon such sheds and structures as may be necessary for sheltering the same; *provided*, that a roadway of not less than seventy-five feet on the inner side of the thoroughfare shall be left open for the passage of vehicles. They may, from time to time, fix the rates and prescribe the terms and conditions on which such sheds and structures may be used, and shall have the same control over them as over the wharves and other part of the water front; *provided*, that they shall assume or incur none of the duties or obligations of warehousemen.

To set apart a portion of water front for landing of merchandise.

Roadway.

Fixing rates.

SEC. 3. The said Commissioners are authorized to set apart spaces on the water front as depots for the landing of the passenger and freight cars of railroad companies, and may construct such docks, wharves, and sheds as may be needed for that purpose. They must require a proper rent to be paid for such spaces and structures, and the dockage on the steamers transporting such cars, and the wharfage on merchandise put on or off such cars or passing through such depots shall be the same as prescribed by the general regulations of the Board.

Depots.

Rent to be paid.

SEC. 4. As soon as practicable the rates of wharfage on merchandise and other articles must be adjusted and classified upon such system, and be collected in such manner and by such officers as the Commissioners may determine and direct. The duties of such officers, their compensation and amount of bond for faithful performance of duty, shall be fixed by the Commissioners. When such system is put in force, no tolls must be collected by the load or vehicle, on any merchandise passing on or off the wharves, and the system of collection by toll collectors must cease.

Adjustment of rates of wharfage.

SEC. 5. No wharfage shall be collected on any merchandise or other article loaded on any vessel or railroad car in the City and County of San Francisco for the purpose of being transported to any port or place in the State of California, nor on any merchandise or other article loaded on any vessel or railroad car at any port or place in the State of California and arriving in the City and County of San Francisco.

When wharfage not collectable.

SEC. 6. The master, owner, or consignee of every vessel, and the owner, agent, or manager of every railroad car, at the time of the arrival and before the departure of any such vessel or car, must deliver to the Wharfinger, or other proper officer of

Duties of masters, owners, or consignees.

the Commission, a full and correct statement, signed by him as such master, owner, consignee, agent, or manager, of all merchandise of every kind intended to be discharged from or received on such vessel or car, other than such as is referred to in section five of this Act, specifying in detail the character and quantity of each kind of such merchandise, and in the case of an arriving vessel or car the names of the consignees or owners thereof, and also the port or place from which such merchandise is brought or to which it is to be carried. In case any person shall neglect or refuse to deliver such statement as above provided, or shall willfully make a statement false in any of the above recited particulars, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding fifty days, or by both such fine and imprisonment.

Misdemeanor.

Misdemeanor.

SEC. 7. In case the master, agent, or owner of any vessel, or the owner, agent, or manager of any railroad car, shall discharge from or receive on or allow to be discharged from or received on such vessel or car any merchandise or other article other than such as is referred to in section five of this Act, before the wharfage thereon has been paid, of which payment the only evidence shall be a receipt signed by the Wharfinger, or other proper officer of the Commission, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one hundred days, or by both such fine and imprisonment; *provided*, that the warrant of arrest may be discharged at any time before trial by the payment of the wharfage on such merchandise or other articles wrongfully discharged or received, together with the costs of the legal proceedings.

Commissioners may release parties from obligations.

Guaranty to Commissioners.

SEC. 8. The said Commissioners may, by written permits, release parties from the obligation to deliver the statement required by section six, or to pay wharfage before the discharge or receipt of merchandise or other articles as required by section seven; *provided*, that before any part of such merchandise or other articles are discharged or received a proper and sufficient guaranty in writing shall be given to the said Commissioners for the payment of all wharfage thereon. Such guaranty shall be deemed an original obligation on the part of the guarantor, and no other consideration therefor need exist or be expressed than the acceptance of the said permit.

Discriminations in fixing rates of dockage.

Lessees of State, what rates of dockage and wharfage to collect.

SEC. 9. In fixing the rates of dockage the said Commissioners may make such discriminations as they deem advisable between American and foreign vessels, and between vessels engaged in coastwise trade and those navigating exclusively the Bay of San Francisco and its tributary waters.

SEC. 10. The lessees of the State or the Commissioners shall charge and collect the same rates of dockage and wharfage as may be established by the said Commissioners in pursuance of this Act; *provided*, that this section shall not be deemed to confer any new or additional rights on any of said lessees.

SEC. 11. Nothing in this Act shall be deemed to divest the said Commissioners of the lien on merchandise and other articles for its wharfage, or of the right to enforce such lien as is provided by existing statutes.

SEC. 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 13. This Act shall take effect from and after its passage.