

No. 27.

SUPPLEMENT

To an act passed March twenty-ninth, Anno Domini one thousand eight hundred and three, to establish a board of wardens of the port of Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person, from and after the passage of this act, shall undertake to pilot any vessel in the bay or river Delaware, (except vessels under seventy-five tons burden,) or shall in any manner exercise or attempt to exercise the profession of a pilot in said bay or river, without a license duly granted by the board of wardens of the port of Philadelphia, or after such license has expired, every person so offending, shall, upon conviction thereof, be imprisoned for not less than one month, nor more than one year, and be fined any sum not exceeding two hundred dollars, at the discretion of the court: *Provided,* Nothing in this act shall be so constructed as to prevent the captain of any vessel from acting as his own pilot, subject to the provisions of the act of the twenty-ninth March, one thousand eight hundred and three; nor shall this act be so construed as to require captains of vessels to take a pilot, who, by existing laws, are now exempt from so doing.

Wardens to grant
licenses to pilots.

Proviso.

Offenders how
prosecuted.

Quarter sessions
may require secu-
rity.

SECTION 2. That warrants for such offenders may be issued upon oath, by any alderman of the city or county of Philadelphia, or by the mayor or recorder of said city; and that upon due proof of probable cause, the offender shall be bound over with security, in due form of law for trial at the next court of quarter sessions of the said county, upon which court, jurisdiction for the trial thereof and of all matters connected therewith, is hereby conferred.

SECTION 3. That the court of quarter sessions or the magistrate by whom the offender is so brought, may at his discretion, also require him to give security for such sum, and in such time as he may deem requisite, that he will not in any respect violate the first section of this act.

Obstructions in
rivers.

SECTION 4. That if any person or persons whosoever, shall, from and after the passage of this act, cast into the tideway of the river Delaware, or into the river Schuylkill, from the lower falls thereof, to its junction with the river Delaware, any ballast, cinders, ashes or any heavy article whatever, from any ship, vessel, steamboat or wharf, he or they so offending, for every such offence, shall forfeit and pay a sum not exceeding one hundred dollars, to be sued for and recovered with costs of suit, before any alderman of the city, or justice of the peace of the county of Philadelphia, or any court of record in this state, in the same manner and for the same uses as directed by the thirty-sixth section of the act of Assembly, entitled "An Act to establish a board of wardens for the port of Philadelphia," &c., passed twenty-ninth March, one thousand eight hundred and three: *Provided,* That the jurisdiction of the board of wardens of the port of Philadelphia, shall not extend on the river Delaware, beyond the jurisdiction of the collector of customs for the district of Philadelphia, upon said river.

Proviso.

Jurisdiction.

SECTION 5. That if any person or persons shall hereafter fix, or cause to be fixed, any hulk, inclosure, or other obstruction whatever, on any sand bar or island in front of the city, or incorporated districts of Southwark, Northern Liberties, Moyamensing and Kensington, in the tide-way of the river Delaware, every such person or persons, shall forfeit for every such offence, a sum not exceeding one hundred dollars, to be recovered in the same manner, and for the same uses as is directed by the second section of this act; and the wardens of the port may, upon conviction of the offender, cause such hulk, inclosure or obstruction, to be abated or removed, and the expense of said abatement or removal, shall be recovered in a civil suit against the offender, before the district court of the city and county of Philadelphia.

SECTION 6. That from and after the first day of April next, so much of any law as authorizes the payment out of the state treasury, of any money for the salary of the master warden of the port of Philadelphia, or for contingencies or clerk hire in his said office, be and the same is hereby repealed; and thereafter, the said salary, contingencies and clerk hire, shall be paid out of the fees which the board of wardens of said port shall collect from vessels arriving at the said port of Philadelphia: *Provided*, That the said fees shall not be collected on vessels under the burthen of seventy-five tons, nor on any canal boats trading on the canals of this commonwealth, and shall not exceed fifty cents on each vessel: *And provided further*, That all fines and penalties as are directed by this act, and the various acts to which this is a supplement, to be paid into the state treasury for the payment of the salary of master warden, clerk hire, and the contingent expenses of the office of the wardens, shall, from and after the first day of April next, be retained by the wardens of the port of Philadelphia, and applied by them in conjunction with the fees herein specified, to the payment of the salaries and contingent expenses of their office.

SECTION 7. That the wardens of the port of Philadelphia, shall be and they are authorized to employ counsel learned in the law, whenever in their opinion, it becomes necessary to enforce the due execution of the laws of this commonwealth, relative to the port of Philadelphia.

SECTION 8. That so much of any act or acts as is hereby altered or supplied, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fourth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.