

this commonwealth, in which action the attorney general is hereby authorized and directed to appear on behalf of the said commonwealth as defendant, and plead the general issue.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, upon the trial aforesaid, the jury, who shall be sworn thereupon, shall inquire, ascertain and determine whether any, and what, sum is due from the commonwealth to the said Thomas Proctor, upon the claims aforesaid, and if the jury so sworn upon the said issue shall find for the plaintiff and judgment be given thereupon, the governor is hereby authorized and directed to draw, in the usual manner, a warrant upon the treasury of the state, for the sum of money which shall be found to be so due from the commonwealth to the said Thomas Proctor, and the treasurer shall pay and discharge the same out of the moneys appropriated for the support of government.

Passed April 5, 1797. Recorded L. B. No. 6, p. 202, etc.

CHAPTER MCMLVI.

AN ACT TO AMEND AND CONTINUE AN ACT ENTITLED "AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas it is expedient that the act entitled "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned"¹ passed on the eleventh day of April, in the year one thousand seven hundred and ninety-three, be continued with certain additions and amendments:

[Section I.] (Section I, P. L.) 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 whenever any licensed pilot,

¹Chapter 1698.

or pilots, of the port of Philadelphia, shall take, or cause to be taken up, within the bay or river Delaware, any anchor or cable, he, or they, shall bring the same to the port of Philadelphia, and immediately file a written notice thereof in the office of the wardens of the said port, stating the time when, and the place where, such anchor or cable was so taken up, and shall also cause a copy of such notice, forthwith, to be inserted in one of the English newspapers of the city of Philadelphia, and continued therein, twice a week, for the space of two months, unless the owner or owners thereof, his or their agents, shall, before the expiration of the said period, file a claim in writing in the said office to such anchor or cable, and if, upon the filing of such claim, sufficient proof of the property of such claimant be made, within a reasonable time to the satisfaction of the board of wardens, every anchor or cable so taken up, and claimed as aforesaid, shall be restored to its proper owner or owners, his or their agents, he or they paying to the pilot, or pilots, so taking up and bringing the same to the said port one half of the value thereof, if taken up between the northernmost part of Reedy island, and the capes of Delaware, and one third of the value thereof, if taken up between the northernmost part of the said island and the port of Philadelphia, which valuation shall be made by two persons, respectively, to be chosen by the parties, who, in case of disagreement, shall appoint a third, whose decision shall be final, but if no claim shall be filed within the period aforesaid, the anchor or cable so taken up and brought to the said port, shall be vested in and become the property of the pilot or pilots who may have taken up the same, and if any pilot or pilots, who shall have so taken up any anchor or cable, neglect or refuse to observe, or comply, with the directions above mentioned, he or they shall forfeit and pay, for every such offense, the sum of two hundred dollars, to be used for and recovered by the master warden of the said port, and to be applied towards defraying the expenses of the board of wardens, and shall also be deprived of his or their certificates, or branches, for such time not exceeding one year as the said board shall adjudge.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon complaint made to the

master warden by the owner, consignee, or master, of any vessel, that such vessel has been run aground by any pilot of the said port through unskillfulness, carelessness, or wilful neglect, it shall be the duty of the said master warden to summon a board of wardens, who shall hear the parties, with their witnesses, and if it appears that the complaint is well founded, they shall adjudge such pilot to be deprived of his certificate, or branch, for any certain period of time, or that he be rendered incapable of ever after receiving a certificate, or branch, as a pilot of the said port, as the nature of the case may require. Provided always, That nothing herein contained shall be so construed as to prevent the owner, consignee, or master, of any vessel so run aground, or any other person or persons, from recovering his or their damages for any injury which may be sustained in consequence thereof.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the compensation to be paid to the master warden for the time being, shall be two dollars and fifty cents for every day he shall necessarily attend at the wardens' office, and the clerk of the board of wardens shall receive a salary of five hundred dollars per annum, payable quarterly, and no more, and, for the more convenient transaction of business at the said office, it shall be the duty of said clerk to attend on the Saturday of every week, at the office of the said wardens, from nine of the clock in the forenoon, until one in the afternoon, and from two in the afternoon until sunset; and, on every other day of the week, (Sunday excepted) from nine of the clock in the forenoon, until three in the afternoon.

(Section IV, P. L.) And whereas the provisions of the twenty-fifth and twenty-seventh sections of the act above mentioned interfere with the regulations of an act entitled, "A supplement to the act entitled, 'An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned' " passed on the twenty-second day of April, in the year one thousand seven hundred and ninety-four:

[Section IV.] Be it enacted by the authority aforesaid, That the said twenty-fifth and twenty-seventh sections of the act first above mentioned, and every matter and thing therein contained, and so much of the thirty-first section thereof as limits the compensation of the master warden to two dollars per diem, and that of the clerk of the board of wardens to three hundred dollars per annum, be, and the same is, hereby repealed and made void.

[Section V.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That the act entitled, "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned"² passed on the eleventh day of April, in the year one thousand seven hundred and ninety-three, and every matter and thing therein contained, except so much thereof as is hereby, or by an act of the legislature of this commonwealth subsequent to the said act repealed, altered or supplied, be, and the same is, hereby continued in full force until the first day of January, which will be in the year of our Lord, one thousand eight hundred, and from thence until the end of the next session of the general assembly of this commonwealth.

Passed April 5, 1797. Recorded L. B. No. 6, p. 199, etc.

CHAPTER MCMLVII.

AN ACT TO EMPOWER JONATHAN JARRET, OF THE COUNTY OF MONTGOMERY TO SELL AND CONVEY CERTAIN LANDS THEREIN SPECIFIED.

Whereas there is no law by which the real estate of persons who are of unsound mind can be sold and conveyed:

And whereas a commission, in nature of a writ de lunatico inquirendo, lately issued out of the court of common pleas for the county of Montgomery, to inquire relative to the sanity of a certain Margaret Gilbert, upon which the said Margaret was found to be of unsound mind, and it being represented that it is

²Chapter 1698.