

Section XXXV. (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That the present board of managers shall constitute a lawful body until the fourth Monday in May next, and until a new board shall be organized under this act, and no longer; any thing contained in this act to the contrary in any wise notwithstanding.

Section XXXVI. (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, that all laws heretofore passed relating to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, be, and the same are hereby repealed.<sup>(1)</sup>

Approved March 29, 1803. Recorded in L. B. No. 9, p. 122.

Note (1). See Chapter 635; 3 Statutes at Large p. 75, and note thereto p. 96. See also supplements to the act in the text. Chapter 2597, *infra* this volume, p. 1028; and Chapter 3046, (Act March 11, 1809), 18 Statutes at Large.

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## CHAPTER MMCCCLXIX.

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AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA, AND FOR THE REGULATION OF PILOTS AND PILOTAGES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

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 immediately after the passing of this act there shall be established a board of wardens for the port of Philadelphia, to consist of one master warden and six assistant wardens, four of whom shall be inhabitants of the city of Philadelphia, one of the Northern Liberties, and one of the district of Southwark; to be yearly appointed by the governor of the commonwealth; and the said master warden and assistant wardens and their successors, shall have full power and authority to have and use one common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said wardens shall em-

ploy a clerk, who shall keep fair minutes and entries of all orders, regulations and transactions of the said master wardens and board of wardens, in a book or books to be kept for that purpose; and the said minutes and entries shall be public, and submitted to the inspection of any person or persons who shall desire to see and peruse the same, he or they so desiring the inspection paying to the clerk twelve cents, each time the books shall be opened and examined; and the said clerk shall give true copies of all such entries or minutes made in the said book or books, as may be required, to such person or persons as shall demand the same, he or they paying to the said clerk, one cent for each line the said copy shall contain, consisting of not less than twelve words.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said master warden, or in case of his sickness or necessary absence, some one of the said wardens to be chosen by themselves, shall attend every day at the said office (Sundays excepted) from ten of the clock in the forenoon, till one of the clock in the afternoon, for the dispatch of such business as may be necessary in pursuance of this act; and the person so chosen shall, during the time of such sickness or necessary absence, be vested with the like powers and authorities to do and perform the same duties and receive the same compensation, as the said master warden would have been entitled to.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That there shall be a meeting of the said wardens on the first Monday in every month, and at such other times as the master warden may appoint; and the said wardens, three of whom shall be a quorum, when met, shall have full power and authority under the limitations hereinafter prescribed, to grant licenses to persons to act as pilots in the bay and river Delaware, and to make rules for their government while employed in that service; to decide all differences which may arise between masters, owners and consignees of ships or vessels and pilots, except in cases hereinafter excepted; to direct the mooring of ships and vessels in the harbor, and the order in which they shall lay,

load or unload at the wharves; and to make, ordain and publish, such rules and regulations, and with such penalties for the breach thereof in respect of the matters aforesaid, as they shall deem fitting and proper: Provided, that such rules and regulations shall not be contrary to the constitution and laws of the United States, or of this commonwealth: Provided also, that if any person whosoever shall conceive himself aggrieved, by any decision or penalty made, given and imposed by the said wardens, such person may, except in cases hereinafter excepted, within six days, appeal therefrom to the court of common pleas of the county of Philadelphia; and on such appeal the like security shall be entered, and the like proceedings had, as in the case of an appeal from the judgment of a justice of the peace, for a debt or demand not exceeding ten pounds.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the wardens for the port of Philadelphia, be, and they are hereby exempt from serving as jurymen, in the courts of this commonwealth.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in case the master warden, or any assistant wardens shall die, neglect, refuse or become incapable to perform the duties enjoined and required by this act, the governor of this commonwealth shall appoint some other discreet, or skillful person, to perform the duties herein enjoined and required.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every warden who shall be appointed by virtue of this act, shall before he takes upon himself the exercise of the duties herein required, take an oath or affirmation before one of the judges of the court of common pleas for the county of Philadelphia, that he will well and faithfully to the best of his skill, understanding and judgment, do, execute and discharge the office and duties of a warden of the port of Philadelphia, without favor or partiality according to the laws of this commonwealth.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if upon the settlement of the

accounts relative to the said warden's office, and the expenses necessarily incurred in conducting the business thereof, agreeably to the provisions of this act, which accounts the said master warden is hereby enjoined to exhibit quarterly to the register-general, to be settled as is by law directed with respect to other public accounts, it should appear that the monies paid into the hands of the said master warden as aforesaid, have been insufficient to defray the said expenses, it shall and may be lawful for the governor to draw a warrant or warrants upon the state treasurer, for the amount of such deficiency: Provided, the same shall not in any one year except the sum of eight hundred dollars, which shall be paid out of the funds appropriated for the support of government.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think himself or themselves aggrieved, by any order or sentence made by the master warden for the time being, it shall and may be lawful for such person or persons to appeal therefrom to the board of wardens, on giving bond to the master warden with one sufficient surety, in any sum not exceeding one hundred dollars, to abide and perform the final determination of the board thereon, of the sufficiency of such security the master warden shall judge and determine; which bond shall be executed and tendered within twenty-four hours after notice of such order or sentence; and the party appellant shall prosecute such appeal with effect, before the board at their next meeting, otherwise their appeal shall be dismissed unless a satisfactory cause for a further continuance be shown to the board; and if either of the parties shall require it and the master warden for the time being shall think it proper, a special meeting of the board shall be called for the hearing such appeal, as early as conveniently may be; and if upon such hearing either at a stated or special meeting, the original order or sentence shall be affirmed, the board shall award such reasonable costs, to be paid by the appellant as they shall adjudge to be adequate to the expenses occasioned by the ap-

peal, including the established pay of the master warden and the clerk, for so long time as they shall have attended on the said business.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in all cases where any license has been or shall be given by the board of wardens of the port of Philadelphia, to erect any wharf or building of the nature of a wharf, beyond low water-mark of the river Delaware, the person to whom such license has been, or shall be granted, shall within six months after the passing of this act or the date of the said license, erect such wharf or building, otherwise the said license shall be of no effect.

Section XII. (Section XII, P. L.) And be it further enacted, by the authority aforesaid, That if any person shall hereafter erect, make or fix, or cause to be erected, made or fixed, on any wharf within the city of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offense, any sum not exceeding one hundred dollars, to be recovered in the same manner and for the same uses as is directed in and by the thirty-sixth section of this act; and the said wardens shall cause such building, inclosure or obstruction to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate or remove the same, on three days notice from the said board of wardens: Provided always nevertheless, that nothing hereinbefore contained, shall be taken or construed in any wise to prevent any such owner or occupier from depositing, during a reasonable time, on any such wharf, goods, wares and merchandize, inladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored; always allowing a sufficient passage for carts, wagons and drays; nor in any wise to hinder any person otherwise entitled so to do, from erecting any building or inclosure on any part of such wharf, lying to the westward of low water-mark or tide-way of the river Delaware.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That when and so often as

any person shall be desirous to extend any wharf, or other building of the nature of a wharf, or cause any such wharf or building to be made in the tide-way of the river Delaware, from any part of the city or liberties of Philadelphia, such person shall make application to the board of wardens, at any of their monthly meetings aforesaid, stating in writing, the nature, extent and plan of such intended wharf or building, and produce their deed or deeds for said lot or lots; and if it shall appear to the board of wardens or a majority of them, that such plan and design may be lawfully executed, and that the same will not improperly encroach upon or injure the said channel or harbor, the board of wardens at any of their stated monthly meetings, or when especially convened in manner aforesaid, shall give their assent and license for erecting, extending or making such wharf or building, and cause the same to be recorded in their office; but if the said board of wardens shall deem it improper to give such assent and license, and the party applying shall think himself aggrieved by their resolutions, he may make such application to the court of common pleas for the county of Philadelphia, who shall order a jury of twelve suitable men, who under oath or affirmation shall view the premises, and make report to the said wardens of their decision, which shall be final and conclusive, a copy of which verdict shall be recorded in the court of common pleas; and if any person or persons after the publication of this act, shall make or extend any wharf or building as aforesaid, within the city or liberties of Philadelphia, into the river Delaware beyond low water-mark, without license first had and obtained from the wardens aforesaid, or in case of their refusal of the court of common pleas aforesaid, he, she or they shall upon conviction thereof, forfeit and pay to the said board of wardens the sum of four thousand dollars, to be by them recovered and applied in such manner as other fines, forfeitures or sums of money by the thirty-sixth section of this act, made payable to them, are directed to be recovered and applied; and likewise to be compelled by the board of wardens to remove such wharf, if it is extended so far as to injure other wharves near it or obstruct the channel.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That no ship or vessel which by the law of the United States may be subject to the duties of tonnage, shall be permitted to moor at, or otherwise occupy any wharf within the city or liberties of Philadelphia, without leave first had and obtained from the owner or possessor thereof: Provided always, that if such leave be duly applied for by the owner, agent, master or other person having charge of any such ship or vessel, and refused by the owner or possessor of any wharf within the limits, aforesaid, being vacant in the whole or in such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship or vessel, in which the owner or possessor of the wharf hath an immediate interest, for twenty-four hours after such application and refusal, it shall then and in such case be lawful for the ship or vessel first applied for, to be moored at and occupy such wharf or part thereof, for so long time as shall be requisite for the dispatch of her business, subject nevertheless to the control and direction of the master warden for the time being.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, shall from and after the passing of this act, burn or bream, or cause to be burned or breamed, any ship or vessel or any part thereof, at or near any wharf or wharves between South and Vine streets in the said city, he or they so offending, for every such offense, shall forfeit and pay to the said master warden the sum of one hundred and fifty dollars; to be by him recovered and appropriated as other forfeitures herein mentioned, are to be recovered and appropriated by the thirty-sixth section of this act.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the governor shall appoint and commission a person of good character and competent skill, to be harbor master of the port of Philadelphia, and liable to be removed when he shall think proper; and the said harbor master having first taken an oath or affirmation,

and given bond with two sufficient sureties to be approved by the governor, in the sum of four thousand dollars, faithfully and impartially to perform the duties of his office, shall have authority and he is hereby required to enforce and superintend the execution of all laws of the commonwealth, and of all by-laws, rules and regulations of the corporation of the city, or of the wardens of the port of Philadelphia, enacted, ordained and declared, or hereafter to be ordained, enacted and declared, for cleaning the docks and wharves of the port of Philadelphia, for preventing all nuisances at the wharves and in the docks aforesaid, by burning or breaming any ships or vessels or otherwise howsoever, for regulating and stationing all ships or vessels in the stream of the river Delaware, or at the wharves within the boundaries of the city of Philadelphia, for removing from time to time, ships and vessels in order to accommodate and make room for others, or for admitting the river craft to pass in and out of the docks, and for compelling the masters and captains of ships and vessels to accommodate each other, so that ships and vessels arriving from sea shall for a reasonable time, not exceeding six days, be entitled to berths next to the wharves, until they have loaded their cargoes; and for that purpose such ships or vessels as are lading, shall be removed and take in their cargoes over and across the decks of the ships or vessels lying nearest to the wharves; for directing the paying of ships and vessels when applied to for that purpose, between the north boundary of the city and Peg's run in the Northern Liberties, and the south boundary of the city and Catharine street in the district of Southwark; and if any master or captain of any ship or vessel, shall refuse or neglect to comply with the directions of said harbor master, in matters within the jurisdiction of his office, or if any person whosoever, shall obstruct or prevent the said harbor master in the execution of his duties, such master, captain or other person shall for each and every such offense, severally forfeit and pay any sum not exceeding one hundred dollars; to be recovered and appropriated as other forfeitures herein mentioned, are recovered and appropriated by the thirty-sixth section of this act; and the said harbor master



shall have authority to appoint and employ a deputy or deputies, to assist him in the execution of his office, and he shall in full compensation for his services be entitled to have, recover and receive from the master, captain, owner, or consignee of each and every ship or vessel arriving at the port of Philadelphia, coasting vessels not exceeding the burden of seventy-five tons excepted, the sum of one dollar for each and every voyage by such ship or vessel performed, and no more.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That every person exercising the profession of a pilot in the bay or river Delaware, shall within three months after the passing of this act, apply in person to the board of wardens for the port of Philadelphia, for a license to entitle him to follow that occupation; and that it shall be the duty of at least three of the said wardens, to examine every person so applying, as to his fitness in all respects to perform the duties of a pilot, and to grant license to all such as they shall deem qualified according to their respective abilities; those of the first class to persons capable of piloting ships and vessels of any practicable draught of water; those of the second class to persons capable of piloting ships or vessels drawing twelve feet water or under; those of the third class to persons capable of piloting ships or vessels drawing nine feet or under; which licenses shall be in force for one year from the date thereof, and until the pilots respectively shall next after the expiration of the year, arrive with any ship or vessel at the port of Philadelphia, and no longer; but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof, giving like security as hereinafter directed, unless it shall appear to the said wardens that the person applying is disqualified from exercising the duties of a pilot; and if any person shall after the time herein prescribed for taking out licenses, exercise the profession of a pilot in the bay or river Delaware without such license, or at any time after his license shall have expired, he shall forfeit for every vessel which he shall undertake to pilot to or from the port of Philadelphia, the sum of thirty dollars, together with the pilotage to which he would be otherwise entitled, one

half to the use of the persons who shall sue for the same, and the other half for the use of decayed pilots, their widows and children.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That no license of the first class, shall be granted to any person who at the time of passing this act, shall not be or within three months previous thereto, have been, a licensed pilot by virtue of the laws of this commonwealth; or who shall not have served a regular apprenticeship of at least six years to a licensed pilot; nor any license of the second class except to persons already licensed as aforesaid, or such as shall have served an apprenticeship of at least five years in manner aforesaid, nor any license of the third class except to persons already licensed as aforesaid, or who shall have served an apprenticeship of at least four years in manner aforesaid; and all indentures of apprentices to pilots shall be recorded in the warden's office, for which the master of such apprentice shall pay the sum of twenty-five cents, to be applied towards defraying the contingent expenses of the said warden's office; nor shall any license be granted until the person applying shall have given bond, with one sufficient surety to the governor of the commonwealth, in any sum not exceeding five hundred dollars, nor less than three hundred dollars, conditioned for the true and faithful performance of the duties and services required by this act, that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the license to them granted when required by the wardens, in pursuance of the provisions of this act: Provided, that no person shall be entitled to a license as pilot for any branch, without first having under the immediate inspection of his master, or a pilot of the first branch, conducted a square rigged vessel, (at least brig rigged) twice up and twice down the river.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That if any person having license as a pilot, shall for the space of two weeks refuse or wilfully neglect to execute the duties of a pilot, every such

pilot upon due proof thereof shall forfeit his license; and if any pilot shall enter into any combination, with a view of preventing any other person from executing such duties, every such pilot being thereof duly convicted, shall forfeit his license as a pilot for the bay or river Delaware; and if it should so happen that the number of pilots necessary for the port of Philadelphia, should be reduced by decease, removal or otherwise, as to occasion much inconvenience to the trade of the state, in such case the wardens of the said port, or any three or more of them, are hereby empowered, on such particular occasion as aforesaid, to grant certificates to such person or persons as they may find qualified to act as pilots, for the space of six months; subject to be renewed if occasion should require it; and subject to the like rules, orders and regulations and liable to the like fines, penalties and forfeitures, as other pilots who shall be appointed by virtue of this act.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the licenses or certificates heretofore granted to any pilot or pilots, by any former board of wardens and not vacated, shall be of the same force and effect, as if the said licenses or certificates were granted in pursuance of the directions of this act; and all securities given by any pilots and others on their behalf, shall be and continue to all intents and purposes of the same force and effect, as any securities to be taken in pursuance of this act may or can be.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the pilot who shall first offer himself to any inward bound ship or vessel, shall be entitled to take charge thereof: Provided, his license shall authorize him to pilot ships or vessels of such draught of water; and it shall be the duty of such pilot if required, to exhibit his license to the master or commander of such ship or vessel; and in case the draught of water of such ship or vessel shall be greater than such pilot shall be licensed to carry, he may nevertheless with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer; and if such qualified pilot shall offer before such ship or vessel shall have passed Reedy Island, he shall be received, and the former pilot

entitled to pilotage according to the distance he may have conducted such ship or vessel, and the latter to the residue of the pilotage, which shall be ascertained by the master warden for the time being; and the master or commander of such ship or vessel, shall display the signal for a pilot heretofore used, until a pilot duly qualified shall offer; and if the said master or commander shall refuse or neglect so to do, or shall refuse or neglect to receive a pilot duly qualified, the master, owner or consignee of such ship or vessel, shall forfeit and pay to the wardens aforesaid, a sum equal to the half pilotage of such ship or vessel, to the use of the society, for the relief of distressed and decayed pilots, their widows and children, to be recovered as pilotage in the manner hereinafter directed; and in all cases when extraordinary services have been rendered by any pilot or pilots, the board of wardens shall in case the parties cannot agree, determine the compensation to be allowed for such services; and the pilot shall inform the master of every vessel he shall conduct to the port of Philadelphia, of the rules and regulations necessary in reporting at the warden's office.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of every master or commander of a ship or vessel, outward-bound from the port of Philadelphia, and he is hereby required to remain twenty-four hours after his arrival at the capes, to give to the pilot on board such ship or vessel an opportunity to be taken out; and if the master or commander of such ship or vessel refuses so to do, and if the same can be done without endangering the vessel aforesaid, the master owner or consignee of such ship or vessel, shall forfeit and pay to such pilot, his executors or administrators, any sum not exceeding eight hundred dollars, to be recovered in any court of record in which the same may be sued for, by action of debt or otherwise.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if it shall so happen that any first rate pilot, having a boat attending him, shall be carried to sea in any ship or vessel contrary to his inclination,

by stress of weather or other unavoidable accident, the master, owner or consignee of such ship or vessel, shall pay to such pilot, his executors or administrators, the same wages as the master of said vessel receives, until the return of said pilot to the said capes; or in case he shall die while so absent, then to the time of his death; and if any second rate pilot shall be carried off as aforesaid, the same wages as the first mate of such vessel receives; and if any third-rate pilot shall be carried off as aforesaid, the same wages as the seamen of such vessel receive; and if any pilot as aforesaid, not having a boat attending him, shall be carried to sea as aforesaid, he shall be paid one half the wages he would have been entitled to, had a boat been attending him.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That when any inward-bound ship or vessel having a pilot on board, shall be prevented by the ice or by any other cause, from proceeding to the port of Philadelphia, and shall be compelled to proceed to some other port or place not in the bay and river Delaware, the pilot shall be entitled to receive and recover from the owner or consignee of such ship or vessel, full pilotage as if he had conducted such ship or vessel to the port of Philadelphia, and shall also receive the sum of eight cents for each and every mile he shall travel to his usual place of abode.

Section XXV. (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That there shall be allowed two dollars per day, to every pilot of any ship or vessel compelled to perform quarantine, for every day he may be detained, to be paid by the master, owner or consignee of such ship or vessel, and the pilot of such ship or vessel shall not be discharged in less than six days without his consent.

Section XXVI. (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, there shall be paid by every pilot obtaining a license or branch, to authorize him to act as a pilot for the bay and river Delaware, the sum of fifty cents, to be applied for the support of the warden's office.

Section XXVII. (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the compensation to pilots for conducting ships or vessels from the city of Philadelphia to the capes of Delaware, or from the capes of Delaware to the city of Philadelphia, shall be for every half foot of water which any inward bound vessel shall draw, under and up to twelve feet, the sum of one dollar and thirty-three cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and sixty-seven cents; and for every half foot of water which any outward-bound vessel shall draw under and up to twelve feet, the sum of one dollar; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-three cents; to be paid by the owner or consignee of such ship or vessel; and shall also receive over and above the said sums, for every vessel not being registered within the United States, the sum of two dollars and sixty-seven cents; and shall also receive over and above the said sums for conducting all ships or vessels, to or from the city of Philadelphia for ever, between the twentieth day of November and the tenth day of March inclusive, in any year, the additional sum of ten dollars: Provided, that no pilot shall have or receive any reward for any supernumerary inches under six; and if any pilot shall be detained by any master, owner or consignee of any vessel, or by the ice, he shall be entitled to receive from the master, owner or consignee of such ship or vessel, the sum of two dollars for every day he shall be so detained.

Section XXVIII. (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That the compensation to be paid to pilots for conducting to or from the city of Philadelphia, all dismasted or otherwise crippled vessel or vessels, which shall have been in any wise injured, so as to occasion to the said pilots any extraordinary care or trouble, shall not exceed double the amount what they otherwise would have been entitled to, of which the board of wardens shall judge.

Section XXIX. (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel

arriving from or bound to any foreign port or place, and every ship or vessel of burden of seventy-five tons or more, sailing from or bound to any port not within the river Delaware, shall be obliged to receive a pilot; and it shall be the duty of the master of every such ship or vessel, within thirty-six hours next after the arrival of such ship or vessel at the city of Philadelphia, to make report to the master warden of the name of the pilot who shall have conducted her to the port; and where any such vessel shall be outward bound, the master of such vessel shall make known to the wardens the name of such vessel, and of the pilot who is to conduct her to the capes, and her draught of water at the time; and it shall be the duty of the wardens to enter every such vessel in a book, to be by them kept for that purpose, without fee or reward; and if the master of any ship or vessel shall neglect to make such report, he shall forfeit and pay the sum of sixty dollars; and if the master of any such ship or vessel shall refuse or neglect to take a pilot, the master, owner or consignee of such vessel, shall forfeit and pay to the wardens aforesaid, a sum equal to the half pilotage of such ship or vessel, to the use of the society for the relief of distressed and decayed pilots, their widows and children, to be recovered as pilotage in the manner hereinafter directed: Provided always, that where it shall appear to the wardens, that in case of an inward bound vessel, a pilot did not offer before she reached Reedy island, or in case of an outward bound vessel, that a pilot could not be obtained for twenty-four hours after such vessel was ready to depart, the penalty aforesaid for not having a pilot shall not be incurred.

Section XXX. (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That when any inward-bound ship or vessel having a pilot on board, shall be detained by ice and conducted by him to a place of safety, it shall and may be lawful for the master of any such ship or vessel, after being so detained for forty-eight hours to discharge his pilot, and in such case the pilot shall be entitled to receive and recover full pilotage, as if he had conducted such ship or vessel

to the port of Philadelphia; and in case any such pilot shall be detained more than forty-eight hours, his compensation for such detention shall be two dollars per day, for every day he shall be so detained.

Section XXXI. (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That if any pilot shall misbehave in the execution of his duty, so that damage shall accrue by reason of his negligence or incapacity, it shall and may be lawful for the person or persons injured or aggrieved, to complain to the wardens, who shall thereupon appoint a time and place of hearing, of which due notice shall be given to such pilot; and upon due proof being made thereof to the wardens, it shall be lawful for them to fine such pilot in any sum not exceeding the amount of the pilotage of the ship or vessel, to which such damage shall have happened, for the use of decayed pilots, their widows and children; or to suspend such pilot for any term which the wardens may think proper; and in every case of suspension the pilot shall deliver up his license to the wardens, to be by them kept till the time for which he may have been suspended shall have expired: Provided always, that nothing herein contained shall be so construed, as to prevent the owner or consignee of any vessel, or any other person or persons from recovering his or their damages in any court having jurisdiction of the same.

Section XXXII. (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful, upon complaint made by any pilot, to the mayor or any alderman in the city of Philadelphia, or to any justice of the peace in any county within this commonwealth, and they are hereby respectively empowered and required to issue forth a precept in writing, under hand and seal in the nature of a summons, *capias* or attachment, as the case may require, directed to any constable, commanding him to bring or cause to come before such mayor, alderman or justice, any person or persons against whom such complaint shall be made, respecting any demand on masters of vessel, owners, consignees or others, respecting pilotage or other claims as pilots; and thereupon proceed to hear the proofs and allegations of the



said parties, or such of them as shall appear; and to determine and pass judgment thereon, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as debts not exceeding ten pounds, are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs; and that all such claim or demand for a sum or sums of money exceeding twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit by action of debt, case, bill, plaint or information, in any court of record within this state.

Section XXXIII. (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That every pilot, who shall pilot any ship or vessel to the port of Philadelphia, shall within forty-eight hours next after her arrival at the said port, make report thereof to the warden's office, specifying the name of the master and vessel, and to the best of his information the number of persons on board such vessel; and if any pilot shall neglect or refuse so to do, or knowingly make a false report, he shall forfeit and pay for every such offense the sum of twelve dollars, for the use of decayed pilots, their widows and children, to be recovered as other fines and forfeitures are by this act recoverable.

Section XXXIV. (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That if any pilot endeavoring to assist or relieve any ship or vessel in distress, shall suffer loss or damage in his boat, her sails, tackle, rigging or appurtenances, the master, owner or consignee of such ship or vessel, shall be liable to pay to such pilot the value of such loss or damage, to be ascertained by the board of wardens, as to them shall appear just.

Section XXXV. (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That whenever any person or persons whosoever, 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 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 contained therein twice a week for the space of two months, unless the owner or owners thereof, his or their agent or 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 agent or agents; he or they paying to the person or persons so taking up and bringing the same to the said port, one half of the value thereof, if taken up between the northermost part of Reedy island and the capes of Delaware, and one third of the value thereof, if taken up between the northermost part of 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 so 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 person or persons who may have taken up the same; and if any person or persons 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 fifty dollars, to be sued for, recovered and applied for the use of decayed pilots, their widows and children, by the master warden of the said port: Provided always, that if the fine or penalty aforesaid, shall be recovered from any person other than a pilot, the money so recovered shall go to the board of wardens, to defray the contingent expenses of said board.

Section XXXVI. (Section XXXVI, P. L.) And be it further enacted by the authority aforesaid, That all forfeitures, penalties, sum or sums of money in this act mentioned, or accruing by virtue thereof, and not otherwise directed and appropriated, shall be payable, sued for, recovered and applied in

manner and form following; that is to say, all the said forfeitures, penalties, sum and sums of money, in and by this act made payable to the master warden for the time being, shall be sued for and recovered by the said master warden, with costs of suit, before the mayor or any alderman of the city of Philadelphia; or before any justice of the peace of the county of Philadelphia, or any other county in this state, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as other debts under ten pounds are by the laws of this commonwealth recoverable; and subject to the like appeal, security, trial and costs; and that all such forfeitures, penalties, sum and sums of money, as shall amount to more than twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit, by action of debt, case, bill, plaint or information, in any court of record within this state; and that all the fines, forfeitures, penalties, sum and sums of money received by the master warden or wardens, by virtue of this act, and not otherwise appropriated, shall be by them respectively paid to the state treasurer, once in every three months, for the special use and purpose of paying off the rent, salaries and other incidental expenses arising from the due execution of this act, and all other expenses, costs and charges which have accrued, by the execution of the several acts respecting the wardens of the port of Philadelphia; and to this end all the said fines, forfeitures, penalties, sum and sums of money so as aforesaid to be paid to the said treasurer in pursuance of this act, shall remain in the hands of the said treasurer, especially appropriated for the purpose, and subject to the drafts of the said master warden or board of wardens, for all or any of the purposes aforesaid, and for no other use or purpose whatsoever; and to the end and intent that fair and just accounts shall be kept, and settlements made by the said wardens, of all their transactions in pursuance of this act, and they are hereby enjoined and required, to exhibit true and just accounts of them once in three months to the register-general, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him, agreeably to the laws

of this commonwealth, subject to the like appeal, security, trial and costs, as in other cases of appeal from any settlement made before him, and in like manner to proceed and recover such balance or balances, as on such settlement or settlements shall be found due from them or any of them.

Section XXXVII. (Section XXXVII, P. L.) And be it further enacted by the authority aforesaid, That such law or laws of this commonwealth, as are by this act supplied, be and the same are hereby repealed and made void.<sup>(1)</sup>

Approved March 29, 1803. Recorded in L. B. No. 9, p. 152.

Note (\*). See Chapter 2504; Act April 2, 1804; *infra* this volume, p. 844; also Chapter 2591; Act April 1st, 1805, *infra* this volume, p. 1020; also Chapter 3341; Act March 20th, 1811, 19 Statutes at Large, p.

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## CHAPTER MMCCCLXX.

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### AN ACT AUTHORIZING THE SECRETARY OF THE LAND OFFICE AND THE ATTORNEY GENERAL, TO RECOVER THE FEES DUE ON WARRANTS AND PATENTS REMAINING IN THE LAND OFFICE.

Whereas it appears that there are a number of warrants and patents completed, and remaining in the office of the secretary of the land office of Pennsylvania, on which the purchase-money has been paid in full to the commonwealth, and the said warrants and patents signed and sealed, and that there are yet considerable sums of money due thereon as office fees, and the owners or possessors thereof at this time generally unknown: Therefore,

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 the secretary of the land office shall from time to time hereafter, make out a list of all the warrants and patents in his office, which shall have been completed and lying in his office for the term of six months, with the amount of office fees due and unpaid thereon, and advertise the same in one of the public newspapers printed in the city of Philadelphia, Lancaster, Northumberland and Pitts-