

whereby the charters of said banks have become null and void: For remedy whereof,

Charters of
the bank of
Washington
and the Nor-
thampton
bank revived.

Their trans-
actions since
the first Mon-
day of Janua-
ry, 1818, de-
clared valid.

Proviso-

SECT. 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 the charters of the Bank of Washington and the Northampton Bank respectively, be and they are hereby revived and continued, in as full and ample a manner as if no forfeiture had taken place, for or by reason of the omission to transmit to the State Treasurer, the annual payment of six per cent. due to the Commonwealth, on the whole amount of dividends declared in said banks respectively on the first Monday of November last, accompanied by certificates, as required by the tenth section of the act to which this is a supplement, and all orders and notes made and issued by the said banks or either of them, all notes or bonds by them or either of them taken and discounted, and all contracts or transactions whatsoever, relative to the business of the said banks respectively, made or done since the first Monday of January, eighteen hundred and eighteen, and before the passing of this act, are hereby declared to be as valid and effectual to all intents and purposes as if the aforesaid forfeiture had not taken place: *Provided,* That the said six per cent. on the whole amount of the dividends which were declared in the said banks on the first Monday in November last, be paid to the State Treasurer, within ten days of the passage of this act, in the manner prescribed by the tenth section of the act aforesaid.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the second day of February, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER XXXV.

AN ACT

For regulating the importation of German and other passengers.

SECT. 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 every master or captain of any ship or vessel im-

porting passengers into this Commonwealth, shall give or Bills of lading
 cause to be given unto each of such passengers, a bill of to be given to
 lading in the common form, for all such goods, wares and passengers
 and merchandize belonging to such passengers respectively, as by captains
 they require no access to during the voyage, and shall be put of vessels.
 into the hold of the same ships or vessels respectively, in
 which they are respectively passengers, or in any other ship
 or vessel, by the master, captain or merchant hired to carry
 the goods, wares and merchandize of such persons; but for
 all such goods, wares and merchandize as the passengers res-
 pectively shall have between decks in their own charge, the
 master or captain shall not be obliged to give bills of lading,
 or be answerable for any loss, damage or embezzlement there-
 of. And if any master or captain shall refuse or neglect to
 give a bill of lading in the cases herein before directed, he
 shall, for each and every offence, forfeit and pay the sum of
 one hundred dollars, to be recovered and appropriated as is
 herein after provided and directed. Penalty on
refusing.

SECT. 2. *And be it further enacted by the authority afore-
 said,* That every passenger, brought in any ship or vessel into
 this Commonwealth as aforesaid, on paying or tendering to the
 master, captain, owner or consignee of such ship or vessel his
 or her freight, if a single person, and also if married or having
 children, the freight of his or her family, the full sum for
 which he or she agreed in Europe, either in the coin or specie
 in his or her contract mentioned, or in lawful money of the
 United States equivalent thereto, and the fee of one dollar as
 is provided in the twenty-first section of the health law of the
 port of Philadelphia, shall be immediately discharged from
 such ship or vessel, and all his or her goods, wares and mer-
 chandise on board thereof, to him or her in good order deliv-
 ered on shore without any further cost or charge of landing
 them; and any master, captain, owner, or consignee refus-
 ing to accept such tender, and to put on shore the person by
 whom or on whose behalf the tender was made, with all his
 or her goods, wares and merchandise as aforesaid, shall, for
 each and every offence, forfeit and pay the sum of fifty dol-
 lars, to be recovered and appropriated as is herein after pro-
 vided and directed, and moreover, shall be liable to be sued
 by the injured party in action of trover and conversion, or of
 false imprisonment as the case may require; but it shall and
 may be lawful for the master, captain, owner or consignee of
 any ship or vessel, importing passengers into this Common-
 wealth as aforesaid, to keep and detain any such passengers,
 who are unable to pay their freight, on board the same ship
 or vessel wherein they were respectively imported, for the
 space of thirty days next after their arrival opposite to the
 city of Philadelphia, in order that they may have time to find
 out relations or friends who may discharge their freight, or to
 agree with some person or persons who shall be willing to
 pay the same in consideration of their servitude, for a term
Passengers
entitled to a
discharge
from vessels,
&c.

Penalty on
the master or
captain refus-
ing to give a
discharge.

of years agreeably to custom ; and every indenture, whereby any such passenger shall be bound to serve his or her master or mistress, shall be acknowledged before the mayor of the city of Philadelphia, or, in case of German passengers, before the register of German passengers, according to law : but no

Husband and wife not to be separated.

master, captain, owner or consignee of any ship or vessel shall separate any husband and wife, who came passengers in any such ship or vessel, by disposing of them to different masters or mistresses, unless by mutual consent of such husband and wife ; nor shall any passenger, without his or her consent, be disposed of to any person residing out of this Commonwealth, under the penalty of one hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed ; and moreover, every indenture in such case made, without the mutual consent of the husband and wife as aforesaid, shall be void, and the master or captain of such ship or vessel shall, during the said term of

In what case indentures shall be void.

Captains to accommodate all passengers on board ;

thirty days, well and sufficiently provide for each and every passenger so retained and kept on board, good and wholesome meat and drink, and other necessaries and accommodations, at the proper cost and charge of the owner of such ship or vessel ; but if any passenger shall continue on board any such ship or vessel after the expiration of the aforesaid term, the master or captain thereof shall provide for such passengers, at their cost and charge respectively, all necessaries and accommodations as aforesaid, to be added to the accounts of such passengers respectively, and recovered with

And remove the sick, &c.

their freights, and shall remove on shore all sick persons whose diseases are not pestilential or contagious, and women near the time of labor to some convenient house without delay, and there provide them with necessary accommodations and nursing, the expense whereof shall be charged to such passengers respectively, to be added to and recovered with their freights. If, however, there shall be any sick persons on board of any such ship or vessel who cannot be removed without danger, the master or captain may and shall make as convenient accommodation on board the ship or vessel for such sick persons as circumstances will admit of, or as the health officer and port physician, upon application or complaint to them made, shall order and direct.

Such as cannot be removed to be attended on board.

Penalty on captain in certain cases.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any ship or vessel with passengers as aforesaid, shall arrive or continue at the port of Philadelphia after the first day of December in any year, the captain, master, owner or consignee of such ship or vessel shall, at his or their own proper cost and charge, under the penalty of five hundred dollars, to be recovered and appropriated as hereinafter provided, remove on shore the said passengers to some convenient house, and there provide them with fuel and good and wholesome meat, drink and other necessaries and accommodations ; the expense of the meat and drink, after the expira-

tion of thirty days, to be charged to such passengers respectively, to be added to and recovered with their freights.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the captain or master of any ship or vessel importing German passengers, within fifteen days after his arrival at the port of Philadelphia, to report to the register of German passengers, the names and ages of all passengers who may have died during the voyage, and also those who may have died after their arrival and before their discharge from such ship or vessel; and every captain or master, failing to comply with the provisions of this section, shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as hereinafter provided.

SECT. 5. *And be it further enacted by the authority aforesaid,* That from the time any ship or vessel shall have put to sea, all the goods, wares and merchandise of the passengers aforesaid on board thereof, who have not paid for their passages at the place from whence they sailed, shall stand a lawful pledge for the freight-money of such passengers, until the same shall be fully paid and satisfied. And it shall be lawful for the master, captain, owner or consignee of any such ship or vessel, at any time after thirty days from the arrival of such passengers within this Commonwealth, to apply to any two aldermen or justices of the peace for the city or county where such passengers shall be landed, for an execution against the goods, wares and merchandise of such passengers; and the said aldermen or justices are hereby empowered and required to issue a summons, directed to a constable of the place where the defendant liveth, to summon such defendant to appear before them on some certain day therein to be expressed, not less than five nor exceeding eight days from the date of such process, to shew cause why such execution should not be granted; and at the time appointed the said aldermen or justices, having heard the allegations and proofs of the parties, shall give judgment thereon, or at the request of either of the parties, shall appoint auditors, or if the defendant cannot be found or doth not appear, give judgment for the freight money that shall appear to be due, and award execution against the goods, wares and merchandise of such defendant, with such costs of suit as are by law allowed on the recovery of debts of equal amount. And the master, captain, owner or consignee of any ship or vessel importing passengers as aforesaid, permitting any such passengers to go on shore from such ship or vessel, and retaining either on board, or in some store or other place on shore, all or any of the goods, wares and merchandize belonging to such passengers, for security of the payment of their freights respectively as aforesaid, shall be obliged, under the penalty of fifteen dollars, to be recovered and appropriated as is hereinafter provided and directed, to give to such passengers respectively a certificate, specifying the goods, wares and merchandise, and the sum for which

Penalty on captain for not making report to register of German passengers.

Goods on board to be a pledge for freight.

How such freight may be recovered.

Captains to give certificate for goods detained.

they are retained, with the time and terms on which they may be redeemed by the payment of freight money and interest; but no passenger shall be obliged to pay any storage for goods, wares and merchandise so retained as aforesaid. And no master, captain, owner or consignee of any such ship or vessel, or any other person for them or any of them, under any pretence whatever, shall take any bill, bond, note or other specialty or instrument in writing whatsoever, from any such passenger, nor make any contract with any such passenger before or while on ship board, or after his arrival within this Commonwealth, to compel him or her to pay for the freight of another passenger, except in the cases herein before mentioned, and all bills, bonds, notes, specialties, instruments and contracts so made and taken, shall be utterly null and void: *Provided always*, That if any such passenger, after having discharged his or her freight, shall be willing to enter into a joint obligation with any other passenger or passengers who shall remain in debt for his, her or their freight, to secure the payment thereof, such obligation shall be good and valid in law.

Captain not to make contracts with passengers.

Proviso.

Proceedings in courts of justice relative to redemptioners, &c.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any passenger or passengers, redemptioner or redemptioners, who shall be plaintiff or plaintiffs in any suit or action arising out of his, her or their freight or passage, either by a breach or breaches of the contract entered into with him, her or them, or by reason of any other wrong or injury done to him, her or them, shall require a more speedy determination, in such suit or action, than can be obtained by the common or ordinary rules of proceeding in any of the civil courts of this Commonwealth, the judges of the said courts, upon application to them made, shall grant to such plaintiff or plaintiffs special courts, and shall proceed to hear and determine the premises according to the course and practice of the said courts, and for the usual fees therein taken; and that in all such suits or actions, it shall be optional with the plaintiffs to sue in their own names separately or jointly, in the names of two or more as passengers of the ship or vessel in which they arrived within this Commonwealth, any agreement to the contrary notwithstanding.

Duty of a captain in case of the death of any passengers.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the master or captain of any ship or vessel taking on board any passenger as aforesaid, to be landed within this Commonwealth, who, in the passage hither or soon after, shall die, leaving goods, wares and merchandise, money or other effects whatsoever on board, or in the hands and custody of any such master or captain, shall, within the term of ten days next after his arrival opposite to the city of Philadelphia, or after the decease of every such passenger, exhibit to the register of wills of the county in which the property is, a true and perfect inventory thereof to the end, that after payment of all just demands which shall be due to the master, captain, own-

er or consignee of such ship or vessel, the remainder may be committed to the custody of some proper person or persons for the benefit of the wife and children next of kin, or creditors of the deceased as the case may require, and the law in such case shall direct. And if any master or captain shall refuse or neglect to exhibit such inventory as aforesaid, he shall, for every such offence, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed. And no master, captain, owner or consignee of any ship or vessel, shall charge the freight of any passenger so dying as aforesaid, to his or her surviving relations, nor shall any passenger be compelled against his or her will, to pay or make good by service, all or any part of the freight of his or her relations dying as aforesaid: *Provided always*, That if any minor child, at the time of his or her importation, be of such an advanced age, that his or her service, until he or she arrives at the age of twenty-one years, shall not be equal and sufficient to pay and discharge the moneys due for his or her own freight or passage, then and in such case he or she may be bound to serve for such number of years, not exceeding his or her age of twenty-four years, as the parties may agree, any law, custom or usage to the contrary notwithstanding.

Penalty on refusing.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That for payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners or consignees, as well the ships or vessels respectively, as the masters, captains, owners or consignees thereof, shall be and are hereby declared liable; and it shall be the duty of the register of German passengers, to collect, recover and receive the same, and all other forfeitures and penalties imposed, and sums of money directed to be paid by this act; and the same shall be recoverable by indictment or action, before any alderman, justice of the peace or court of justice having lawful jurisdiction, to the amount of such forfeitures, penalties and sums of money respectively; and when recovered and received, the same shall be appropriated by the guardians of the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties, for the use of the poor of said city and districts; and the register of German passengers, for his trouble in collecting and receiving such forfeitures, penalties and sums of money, shall have, receive, and retain a compensation at and after the rate of two and a half per centum on the amount so recovered and received.

Register of German passengers to collect penalties.

How appropriated.

Compensation of the register, &c.

SECT. 9. *And be it further enacted by the authority aforesaid*, That all actions or prosecutions to be commenced against any master, captain, owner or consignee of any ship or vessel, or other person, by virtue of this act, shall be brought within two months next after the arrival of the ship

This act may be given in evidence at any suit under the same.

or vessel opposite to the city of Philadelphia, or within two months after the offence shall have been committed, if committed after the arrival of the ship or vessel; and if any action or suit shall be commenced against any person or persons, for any matter or thing done in pursuance of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon.

WILLIAM DAVIDSON, *Speaker*
of the *House of Representatives*.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the seventh day of February, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER XXXVI.

A SUPPLEMENT

To an act, entitled “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.

Mode of proceeding in order to erect or extend a wharf into the tideway of the Delaware, from the city, suburbs or sandbar, or island in front of the city.

SECT. 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 as often as any person or persons shall be desirous of erecting or extending any wharf or building in the nature of a wharf into the tide way of the river Delaware, from any part of the city of Philadelphia, the Northern Liberties, district of Southwark or Sand Bar or island in front of the said city, it shall be the duty of such person or persons to make application to the board of wardens, at any of their stated monthly meetings, or a meeting of the wardens convened for the purpose, stating in writing the nature, extent and plan of such intended wharf or building in the nature of a wharf, and shew their title to the ground on which the said wharf or building is to be erected, or from which the said wharf or building is to be extended; to the said board of wardens; and if it shall appear to the said board or a majority of them, that such plan or design may be lawfully executed, and that the same will not improperly incroach on or injure the channel or harbour, the board of wardens, at any of their stated month-