

CHAPTER CLVI.

*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 1. **B**E 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.

A board of wardens established for the port of Philadelphia, their number, and how to be appointed,

to have one common seal, &c.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said wardens shall employ a clerk, who shall keep fair minutes and entries of all orders, regulations and transactions of the said master warden 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

To appoint a clerk who shall keep fair minutes of the proceedings which shall be subject to public inspection, &c.

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.

Sec. 3. *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.

The master warden, &c. to attend daily at the office for the dispatch of business, &c.

Sec. 4. *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 herein after prescribed, to grant licences 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 herein after excepted, to direct the mooring of ships and vessels

Meetings of the wardens, and their powers at such meetings.

Their regulations not to be contrary to the constitution & laws of the U. S. or of this state:

Persons feeling themselves aggrieved may appeal, &c.

sels in the harbour, 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 whomsoever shall conceive himself aggrieved, by any decision or penalty made, given and imposed by the said wardens, such person may, except in cases herein after 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.

The wardens exempted from serving as jurymen.

Sec. 5. *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.

The Governor to appoint others instead of such as may die, refuse to serve, &c.

Sec. 6. *And be it further enacted by the authority aforesaid*, That in case the master warden, or any of the 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 skilful person, to perform the duties herein enjoined and required.

Wardens to take an oath of office, &c.

Sec. 7. *And be it further enacted by the authority aforesaid*, That every warden who shall  
be

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.

Sec. 8. *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 expences necessarily incurred in conducting the business thereof, agreeably to the provision 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 expences, 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 exceed the sum of eight hundred dollars, which shall be paid out of the funds appropriated for the support of government.

How deficiencies for expences in conducting the business of the warden's office are to be supplied.

But not to exceed \$800 in any one year.

Sec. 9. *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 warden's office, and the clerk of the board of wardens shall

Compensation of the master warden and clerk.

and times of  
attendance of  
said clerk at  
the warden's  
office.

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 the 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 (Sundays excepted) from nine of the clock in the forenoon until three in the afternoon.

Appeal allowed from the master warden to the board of wardens, &c.

Sec. 10. *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 appellat 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

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

Sec. 11. *And be it further enacted by the authority aforesaid,* That in all cases where any licence 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 licence has been or shall be so granted, shall within six months after the passing of this act or the date of the said licence, erect such wharf or building, otherwise the said licence shall be of no effect,

Within what time wharves, &c. for which licences have been obtained are to be erected.

Sec. 12. *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 offence, 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

Penalty for obstructing the passage over wharves, &c.

But not to extend to the depositing of goods, &c. to be shipped, provided a sufficient passage be left for carts, drays, &c.

abate or remove the same, on three days notice from the said board of wardens: *Provided always nevertheless*, That nothing herein before 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 merchandise, unladen 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, waggons 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.

Proceedings where any person is desirous of extending wharves, &c.

Sec. 13. *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 harbour, the board of wardens at any of their stated monthly meetings, or when especially convened in manner aforesaid, shall give their assent and licence for erecting, extending or making such wharf or building,

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 licence, 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 licence 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 to obstruct the channel.

and penalty for such extension without first obtaining a licence from the wardens, &c.

Sec. 14. *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

Vessels of the U. S. not to moor at any wharf without owner's consent:

or



Proviso in  
case such con-  
sent is refused.

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 aforeaid, 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 controul and direction of the master warden for the time being.

Penalty for  
burning or  
breaming ves-  
sels at or near  
any wharf be-  
tween South  
and Vine-  
streets.

Sec. 15. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, 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 offence, 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.

The Governor  
to appoint a  
harbour mas-  
ter,

Sec. 16. *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 harbour master  
of

of the port of Philadelphia, and liable to be removed when he shall think proper, and the said harbour 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 bye-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 births next to the wharves, until they have landed 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

who shall take  
an oath of  
affirmation  
and give bond,  
&c. for the  
faithful per-  
formance of  
his duty;

his powers  
&c.

of

penalty on masters or captains neglecting to comply with his directions or obstructing him in the execution of his duties ;

He may appoint a deputy &c.

compensation of the harbour master.

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 harbour master, in matters within the jurisdiction of his office, or if any person whosoever, shall obstruct or prevent the said harbour master in the execution of his duties, such master, captain or other person shall for each and every such offence, 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 harbour 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.

Pilots to apply to the board of wardens for licences, &c.

Sec. 17. *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 licence 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 licence to all such as they shall deem qualified according to their respective abilities

ties ; those of the first class to persons capable of piloting ships or 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 licences 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 licence shall be entitled to receive a new one in lieu thereof, giving like security as herein after 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 licences, exercise the profession of a pilot in the bay or river Delaware without such licence, or at any time after his licence 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.

duration of  
the licences ;

and renewal  
thereof ;

penalty for  
piloting with-  
out licence, or  
after it has  
expired.

Sec. 18. *And be it further enacted by the au-*  
*thority aforesaid,* That no licence 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

Qualifications  
necessary to  
entitle pilots  
to licences ;

they shall  
give bond, &c.

condition  
thereof.

to a licensed pilot; nor any licence 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 licence 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 expences of the said warden's office; nor shall any licence 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, and that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the licence 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 licence 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.

Penalty on pilots refusing or neglecting to serve;

Sec. 19. *And be it further enacted by the authority aforesaid*, That if any person having licence 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 licence; and

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 licence 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 said 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, penaltics and forfeitures, as other pilots who shall be appointed by virtue of this act.

or combining to prevent others:

in case of a scarcity of pilots, the wardens may grant certificates to other persons for six months.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the licences 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 licences 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.

Licences heretofore obtained and securities given by any pilots to be effectual.

Sec. 21. *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:

The pilot first offering himself to an inward bound vessel to take charge of her.

Provided, &c. thereof: *Provided*, His licence shall authorise 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 licence 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 herein after 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

The commanders of vessels to display the signal for a pilot, &c. penalty for neglecting to do so;

compensation in case of extraordinary services rendered; how fixed.

necessary in reporting at the warden's office.

Sec. 22. *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.

Masters of outward bound vessels to remain 24 hours at the capes to give the pilot on board an opportunity to be taken out; penalty on failing to do so.

Sec. 23. *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

Allowance to pilots carried to sea against their inclination by stress of weather.



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.

Compensation to pilots where inward-bound vessels are compelled to proceed to some port or place not in the bay or river Delaware.

Sec. 24. *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.

Allowance to pilots detained in vessels while performing quarantine.

Sec. 25. *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.

Fifty cents payable by pilots for a licence.

Sec. 26. *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 licence or branch, to authorise him to act as a pilot for the bay and river Delaware, the sum of fifty cents, to be

be applied for the support of the warden's office.

Sec. 27. *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 forever, 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.

Rates of pilot-  
age prescribed.

Sec. 28.

Compensation  
to pilots for  
conducting  
dismasted or  
crippled ves-  
sels, &c.

Sec. 28. *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.

All vessels of  
a certain ton-  
nage bound to  
receive pilots ;

and the cap-  
tain to make  
report to the  
master war-  
den, &c.

which shall be  
entered ;

penalty on ne-  
glect to make  
such report or  
take a pilot :

Sec. 29. *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 the 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 such ship or vessel, her draught of water, and 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 that 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,

\* Part in the original.

a sum

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 herein after 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 had 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.

Provido if a pilot does not offer.

Sec. 30. *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.

Compensation to pilots where vessels are detained by ice and conducted to a place of safety, &c.

Sec. 31. *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

Penalty in case of damage arising from negligence or incapacity of the pilot.

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 licence 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.

How pilots  
are to pro-  
ceed to recover  
their pilotage.

Sec. 32. *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 vessels, owners, consignees or others, respecting pilotage or other claims as pilots, and thereupon proceed to hear the proof 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

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.

Sec. 33. *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 offence 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;

Pilots to report the arrival of vessels;

penalty on neglect or refusal so to do.

Sec. 34. *And be it further enacted by the authority aforesaid,* That if any pilot endeavouring 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.

Pilots suffering any damage in his boat, &c. whilst endeavouring to relieve vessels in distress how to be reimbursed.

Sec. 35. *And be it further enacted by the authority aforesaid,* That whenever any person or persons whosoever, shall take or cause to

Persons taking up anchors or cables within the bay or

river Delaware, how to proceed;

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 continued 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 nothermost 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

such anchors or cables to be restored to the owners on proof of property; allowance to the persons taking them up;

how to be ascertained;

no owner appearing the article to become the property of the person recovering it;

penalty on such persons

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 offence, 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 expences of said board.

neglecting to comply with the foregoing directions.

Sec. 36. *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

Forfeitures & penalties under this act how recoverable;



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 expences arising from the due execution of this act, and all other expences, 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, 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 authorised 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.

Sec. 37.

to whom payable,

and for what use ;

accounts of the wardens to be exhibited to and settled by the register-general.

Sec. 37. *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. Repealing clause.

SIMON SNYDER, *Speaker*  
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*  
of the Senate.

APPROVED—March the twenty-ninth, 1803:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER CLVII.

*An ACT authorising the Secretary of the Land-office and the Attorney-General, to recover the fees due on warrants and patents remaining in the Land-office.*

**W**HEREAS 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 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and*  
*it*