

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-

ly meetings, or when expressly convened for the purpose aforesaid, shall give their license in writing for erecting or extending such wharf or buildings, and cause the same to be recorded in their office: but if the said board shall deem it In case of refusal of license by the board of wardens, a jury of 12 freeholders to be summoned to view and make report. inadvisable to grant such license as aforesaid, and the applicant shall deem himself aggrieved by such their refusal, he may thereupon apply, by petition, to the court of quarter sessions of the county of Philadelphia, who shall immediately order the sheriff of the county of Philadelphia, to summon a jury of twelve freeholders, who shall, within six days thereafter, view the premises and make report, upon oath or affirmation, to the said court upon the propriety of granting the said license, whereupon the said court, after hearing any objections that may be urged by the board of wardens, in case the report of the jury should be favorable to the said applicant, against the said report, shall adjudge the said report to be confirmed or set aside, which judgment shall be final and conclusive. The court of quarter sessions to decide in case of disagreement.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons after the publication of this act, shall erect or extend any wharf or building in the nature of a wharf, into the tide way of the river Delaware, contrary to the provisions of this act, he, she or they so offending, shall, upon conviction thereof before the mayor's court of the city of Philadelphia, or the court of quarter sessions of the county of Philadelphia, forfeit and pay the sum act. Penalty on erecting or extending a wharf, &c. contrary to the provisions of this act. of four thousand dollars, to the use of the said board of wardens, to be recovered in the same manner as other fines and forfeitures are recoverable by the act to which this is a supplement; and the said board of wardens may, upon conviction of the offender as aforesaid, cause the said wharf, or other building in the nature of a wharf, to be removed or abated; and if the expense of said removal or abatement shall exceed the fine and forfeiture affixed by the court, the excess thereof shall be recovered in a civil suit against the offender, before the district court of the city and county of Philadelphia. Board of wardens may abate the wharf.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any act or acts as is or are inconsistent with the provisions of this act, be and the same are hereby repealed. Repeal of former laws.

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.