

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1772, and continued by adjournments until the twenty-eighth day of September, A. D. 1773, the following acts were passed:

CHAPTER DCLXXI.

AN ACT APPOINTING WARDENS FOR THE PORT OF PHILADELPHIA,
AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the regulating of pilots plying in the river and bay of Delaware, the placing of buoys therein and the erecting a lighthouse at Cape Henlopen have been found on experience to have greatly contributed to the ease and security of the navigation of the said river and bay and the trade of this province:

And whereas it is convenient that the said pilots, lighthouse, buoys and piers hereinafter mentioned should be put under one general direction:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That Luke Morris, Peter Reeve, Samuel Miffin, Robert Morris, Thomas Penrose, Robert Whyte and William Morrell, gentlemen, shall be and are hereby nominated and appointed wardens of the port of Philadelphia, and that it shall and may be lawful for them or any three of them, the president hereinafter directed to be chosen being one, as soon as conveniently may be after the publication of this act, having first taken the qualification hereinafter directed, to meet together

at some convenient place in the said city at such times as are hereinafter mentioned for the executing and performing the duties hereby enjoined and required of them, and shall have full power to appoint and employ a skillful person to be their clerk, who shall keep fair minutes and entries of all their orders, regulations and transactions in a book to be kept for that purpose, and shall before he enters upon the duties of his office give good and sufficient security to the governor of the province for the time being for the faithful discharge of his office in the sum of fifty pounds, to be approved of by the wardens or any four of them, which said minutes and entries shall be public and submitted to the inspection of any person or persons who shall desire to see and peruse them, he or they so desiring the inspection paying to the clerk the sum of one shilling for each time the books shall be examined; and that the said clerk shall give true copies of any such entries or minutes made in the said books to such person or persons as shall demand the same, he or they paying an half-penny for each line the said copy shall contain, every line to consist of not less than twelve words, and the said wardens are hereby empowered to have and use one common seal in their affairs and the same at pleasure to change and alter.

[Section II.] And be it further enacted by the authority aforesaid, That the said wardens or a majority of them shall have power to choose yearly and every year by way of ballot one of their own number to be their president, who shall continue in his office during the space of one year; and the said president with any two of the other wardens shall have full power and authority to do and perform all and every act, matter and thing herein enjoined and required of them; and in case the said president so chosen shall neglect or refuse to attend at any of the times appointed for the meeting of the wardens, it shall and may be lawful for the wardens met, being at least four in number, to choose in the same manner as president for the time being.

[Section III.] And be it further enacted by the authority aforesaid, That there shall be four meetings of the said wardens in every year, That is to say, on the second Monday in March, June, September and December, respectively, and at such other

times as the president or in his absence two other wardens may think necessary, on application made to him or them for that purpose, which said meeting shall be called by his or their order issued to the clerk, directing him to summon all the said wardens to meet on twelve hours notice to hear and determine all matters and things which shall and may come before them; and that the president shall receive for each day he shall attend or be employed the sum of seven shillings and six pence, and every other warden the sum of five shillings, and no more.

[Section IV.] And be it further enacted by the authority aforesaid, That a board of wardens shall have full power and authority to examine all persons offering themselves to serve as pilots to and from the port of Philadelphia as to their knowledge and skill in pilotage and to grant three kinds of certificates, agreeable to the qualification of such candidates: the first to such pilots as shall be qualified to pilot ships or vessels of any draught of water, the second to pilots for ships or vessels not exceeding in draught of water twelve feet, the third to pilots for vessels not exceeding in draught of water nine feet.

[Section V.] Provided always, and be it further enacted by the authority aforesaid, That the said persons upon the receipt of the said certificates shall give bond with one sufficient surety to the governor for the time being, to be approved by the said board of wardens, who are hereby authorized to take the same without fee or reward in such sum as they shall think needful, not exceeding one hundred pounds nor less than fifty pounds, conditioned that they will truly and faithfully perform all and every the duties and services required of them by this act, and shall deliver up such certificates to the said wardens to be canceled upon their being declared void and such person or persons incapable of acting as pilots, agreeable to the directions of this act.

[Section VI.] Provided also, and be it enacted by the authority aforesaid, That the certificates heretofore granted to any pilot or pilots by any former board of wardens and not vacated, together with all securities taken in consequence of such certificates, shall be of the same force and effect as if the

said certificates were granted and securities taken in pursuance of the directions of this act.

[Section VII.] And be it further enacted by the authority aforesaid, That no person shall be entitled to receive a certificate as a first-rate pilot unless he shall have served a regular apprenticeship of at least four years to the business of a pilot.

[Section VIII.] And be it further enacted by the authority aforesaid, That every pilot, who shall conduct any ship or vessel from the port of Philadelphia to the capes of Delaware, or from the said capes to the said port, shall have and receive for his trouble the sum of five shillings for every half foot of water which such vessel shall draw under and up to fourteen feet, and for every half foot of water which such vessel shall draw more than fourteen feet the sum of ten shillings, and so in proportion for any lesser distance, to be settled and adjusted by the said board of wardens.

Provided, That the said pilot shall not have or receive any reward for any supernumerary inches under six. And that the said wardens shall and they are hereby authorized and required to settle and adjust the reward which shall be due from any master, owner or merchant of a vessel to the pilot thereof for any extraordinary time he shall be detained in the river or bay by the said master, owner or merchant in the service of the said vessel, provided the same shall not exceed fifteen shillings per diem, which said reward when so adjusted if not paid on demand shall be sued for and recovered in the same manner before any two justices of the peace as the pilotage of the vessel is hereinafter directed to be recovered.

[Section IX.] And be it further enacted by the authority aforesaid, That from and after the publication of this act no person or persons whatsoever shall be capable of suing, commencing or prosecuting any action, suit or complaint at law against any person or persons whatsoever for any sum or sums of money that shall be due for pilotage of any ship or vessel in the said river or bay of Delaware unless he or they shall have obtained a certificate as aforesaid of his or their being duly qualified to act as a pilot or pilots, and such pilotage shall be performed during the force of such certificate; and that if any ship or vessel

shall be brought or navigated up to the port of Philadelphia (except as is hereinafter excepted), or carried from thence by any person or persons not having such certificate, if such qualified pilot may be had or procured, that then and in every such case the master, owner or merchant of such vessel on due proof thereof shall forfeit and pay to the collector of tonnage appointed by this act, to be by him paid over to the wardens, for the use of the pilot who shall have so first offered himself, a sum of money equal to one-fourth part of the pilotage of the said vessel, settled and ascertained by virtue of this act; and that the said collector shall not under the penalty of five pounds give a receipt to such person or persons so navigating such vessel for the tonnage of his vessel agreeable to the directions of this act until such quarter pilotage be paid.

[Section X.] And be it further enacted by the authority aforesaid, That it shall and may be lawful upon complaint made for any two justices of the peace within this province and they are hereby empowered and required to issue forth their precept in writing under their hands and seals 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 them any person or persons against whom such complaint shall be made respecting any demand, matter, cause, controversy or dispute that shall or may arise between pilots, masters of vessels, merchants or others respecting pilotage, 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, and also to award process under the hands and seals of the said justices against the body or the goods of the person or persons against whom such judgment shall be given for the sum due, with like costs of suit as are generally recovered before a justice of the peace on debts of forty shillings and upwards and not exceeding five pounds, and that the said justices shall keep fair entries and records of all their proceedings from the commencement of the first process to the final end of such suit.

[Section XI.] And be it further enacted by the authority aforesaid, That the said wardens or a majority of them shall and

they are hereby authorized and empowered from time to time to make such orders and rules as shall be useful and necessary for governing and better regulating the pilots aforesaid, and to impose and lay any fine for the breach of such orders and rules not exceeding ten pounds to be recovered before any two justices of the peace in manner aforesaid, which said orders and rules shall be inviolably observed and executed by all persons concerned according to the tenor, true intent and meaning thereof; provided they be not repugnant to the laws of England or this government and shall be approved of by the speaker of assembly, chief justice and attorney general of this province under their hands and seals.

[Section XII.] And be it further enacted by the authority aforesaid, That before the said wardens take upon themselves the office of wardens each and every of them shall take an oath or affirmation, That he will well and faithfully, to the best of his skill, understanding and judgment, perform, do, execute and discharge the office and duty of a warden according to the directions of this act, which qualifications any justice of the peace of and for the city or county of Philadelphia is hereby authorized and enjoined to administer and to record the same.

[Section XIII.] And be it further enacted by the authority aforesaid, That if any ship or other vessel shall come into the port of Philadelphia or shall go out of the said port (vessels under the burden of fifty tons, carpenter's tonnage, according to the mensuration prescribed by this act only excepted) without having a pilot on board, the master, owner or merchant of such ship or vessel shall forfeit and pay to the said wardens the sum of money which shall be equal to one-fourth part of the amount of the pilotage thereof, unless it be proved that a pilot was sought for and could not be procured.

[Section XIV.] And be it further enacted by the authority aforesaid, That if it shall so happen that any first-rate pilot, having his boat attending him at the capes, shall be carried from thence to sea by any ship or vessel contrary to his inclination, the master or owner of such ship or vessel shall pay to such pilot, his executors or administrators, the sum of six pounds per month for every month he shall be necessarily absent until

his return to the said capes, or in case he shall die while so absent, then to the time of his death; and if no boat shall attend such pilot, the said master or owner shall pay him the sum of three pounds per month as aforesaid. And if any second-rate pilot shall be carried off as aforesaid, having his boat attending him as aforesaid, he shall be paid the sum of four pounds per month; if without his boat, forty shillings per month. And if any third-rate pilot shall be carried off as aforesaid, with his boat attending him, he shall be paid three pounds per month; if without his boat, forty shillings per month by the said master or owner of such ship or vessel who shall so convey or carry off such pilots, respectively, for every month until his death or return to the said capes as aforesaid. And if any master of a vessel shall carry off to sea any pilot contrary to his inclination when his boat or any other boat is ready and offers to take him out of the said vessel, and the same may be done without endangering the vessel aforesaid, every such master or owner of such vessel shall pay to the said pilot so carried off the sum of fifty pounds over and above the said wages, to be recovered by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law nor more than one imparlance shall be allowed.

[Section XV.] And be it further enacted by the authority aforesaid, That if any pilot duly qualified in virtue of this act shall neglect or refuse on due notice given to him to aid and assist any ship or vessel which shall be in distress within six leagues to the southward of Cape Henlopen and the same distance to the eastward of Cape May or in the river or bay of Delaware aforesaid; or in case any ship or vessel shall be lost or damaged by the manifest neglect of the pilot having charge of her, every such pilot so refusing to aid or assist or neglecting his duty shall on due proof made thereof before any board of wardens be rendered incapable of exercising the office and duty of a pilot and the certificate before given him shall be utterly void, and that all contracts and agreements made or to be made by and between any pilot and the master of any ship or vessel in distress for his aid and assistance, shall be also void; and such pilot shall be entitled to ask, demand or recover no more than a

reasonable reward for his said aid, assistance and service, any such contract notwithstanding.

[Section XVI.] And be it further enacted by the authority aforesaid, That if any person or persons shall conceive him or themselves aggrieved by any judgment given by two justices in pursuance of this act, it shall and may be lawful for such person or persons to appeal to the next county court of common pleas to be held for the county where the said judgment shall be given, which said appeal shall be allowed by the said justices upon sufficient security given for prosecuting the same, and that the proceedings on such appeal shall be prosecuted on the same terms, in the same manner and under the same penalties as are directed by the act, entitled "An act for the more easy and speedy recovery of small debts."¹

[Section XVII.] And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall take up any anchor and stock or any anchor without a stock or any cable in the bay or river Delaware, every such person or persons shall bring or cause to be brought every such anchor or anchor and stock or cable to the port of Philadelphia, and deliver them to the president or one of the said wardens, under the penalty of one hundred pounds, to be recovered in the court of common pleas for any county of this province by action of debt, to be brought by the said president of the wardens for the time being or the person who shall rightfully own such anchor or anchor and stock or cable, and that upon the delivery of such anchor or anchor and stock or cable to the said president, as aforesaid, and an appraisement thereof by any two of the said wardens, to be appointed by the board for that purpose, the board shall pay to the person or persons so taking up the said anchor or anchor and stock or cable such salvage, not exceeding one-half of the value, as in the judgment of a board of wardens shall be reasonable; and the said president shall without delay advertise the said anchor or anchor and stock or cable so delivered to him three times in some of the public newspapers published in the city of Philadelphia, unless the owner thereof or his factor do immediately appear and claim the same, and shall per-

¹ Passed March 1, 1745-6, Chapter 365.

mit and suffer the said anchor or anchor and stock or cable to be viewed by any person or persons who shall make application to him for that purpose; and if any person or persons shall claim and make satisfactory proof of his or their right and property therein within the space of twelve months next after the date of the first advertisement before a board of wardens, the said anchor or anchor and stock or cable the property whereof shall be so proved shall be restored to such claimant upon his paying the salvage with lawful interest for the same and reasonable costs; but if no person or persons shall within the time aforesaid claim and make proof of his or their property in such anchor or anchor and stock or cable, then and in such case the said president shall expose the same to sale at public vendue at the London Coffee-house or some other public place in the city of Philadelphia, and after deducting the salvage so paid as aforesaid with the lawful interest thereof as aforesaid and the charges reasonably accruing thereon, shall pay the overplus of the money proceeding from such sale to the person or persons who took up the said anchor or anchor and stock or cable so sold, and that the said wardens shall keep a fair record of the time of the delivery and name or names of the person or persons so delivering any anchor or anchor and stock or cable, and of the weight, marks, claims and proofs thereof.

And whereas a lighthouse has been erected on Cape Henlopen and sundry buoys and beacons have been and are to be fixed in the bay and river Delaware for the more convenient and safe navigation to and from the said port of Philadelphia, at a great expense:

[Section XVIII.] Be it therefore enacted by the authority aforesaid, That if any person or persons shall after the publication of this act remove or destroy or be aiding and assisting in the removal or destruction of any of the said buoys or beacons, or shall burn or otherwise destroy or be aiding or assisting in the burning or destroying the said lighthouse, and shall be convicted thereof in any court of quarter sessions in any city or county in this province where he or she shall be apprehended or to which he or she may be brought if apprehended in another government, shall forfeit and pay the sum of one thousand

pounds and suffer three years imprisonment without bail or mainprize, and be whipped once in every year during such imprisonment at the common whipping-post with any number of lashes well laid on his bare back not exceeding thirty-nine.

[Section XIX.] And be it further enacted by the authority aforesaid, That all fines, forfeitures, penalties and sums of money not hereinbefore appropriated shall be applied and appropriated by the said wardens for and towards the payment of the salvage aforesaid, the wages which shall from time to time become due to them, the salary of their clerk, the rent of a convenient office or place for holding their board, and other necessary and incidental expenses arising from the execution of this act, and all other costs, charges and expenses which have accrued by the execution of the several acts appointing wardens for the port of Philadelphia and remain unsatisfied; and in case the said fines, penalties, forfeitures and sums of money shall not be sufficient for the purposes aforesaid, that it shall and may be lawful to and for the said wardens to draw orders on the provincial treasurer, which said orders the said treasurer is hereby enjoined and required to pay and discharge.

And whereas the security of the said navigation and commerce of this province may be still further promoted by erecting in the said river a number of convenient piers at proper distances from each other, in which vessels passing up and down the same during the inclemency of winter may take shelter and be preserved from the danger of ice:

In order to effectuate so desirable a purpose:

[Section XX.] Be it enacted by the authority aforesaid, That bills of credit to the value of twelve thousand pounds shall be prepared and printed within three months after the passing of this act on good strong paper, under the care and direction of Samuel Rhoads, Michael Hillegas and Isaac Pearson, Esquires, the charges whereof shall be paid by the provincial treasurer out of the moneys in his hands arising by the duty of tonnage to be levied by this act, which bills of credit shall be made and prepared in the manner and form following, viz.:

..... shillings according to act of general assembly of Pennsylvania, passed in the thirteenth year of the

reign of His Majesty, George the Third. Dated the twentieth day of March, Anno Domini one thousand seven hundred and seventy-three.



And the said bills shall have such like escutcheons as in the margin hereof, with such other devices as the said Samuel Rhoads, Michael Hillegas and Isaac Pearson shall think proper, as well to prevent counterfeits as to distinguish their several and respective denominations, each of which bills shall be of the several and respective denominations following and no other: That is to say,

Six thousand of the same bills, the sum of four shillings in each of them.

Six thousand of the same bills, the sum of six shillings in each of them.

Six thousand of the same bills, the sum of fourteen shillings in each of them.

Six thousand of the same bills, the sum of sixteen shillings in each of them.

And the said Samuel Rhoads, Michael Hillegas and Isaac Pearson shall use their best care, attention and diligence during the printing of the said bills that the amount thereof according to their respective denominations aforesaid be not exceeded, nor any clandestine or fraudulent practice used by the printer, his servants or others concerned therein.

And for perfecting the said bills according to the true intent and meaning of this act:

[Section XXI.] Be it enacted by the authority aforesaid, That all and every of the said bills shall be signed by any three of the persons hereinafter mentioned: That is to say, Jacob Winey, Charles Jervis, Benjamin Shoemaker, Henry Keppele, Junior, Frederick Kuhl and John Steinmetz, who are hereby nominated and appointed to be signers of the said bills, and shall before they receive or sign any of them take an oath or affirmation to the effect following, viz.:

That they shall well and truly sign and number all the bills that shall come to their hands for that purpose by the direction of this act; and the same so signed and numbered will deliver or

cause to be delivered unto the said Samuel Rhoads, Michael Hillegas and Isaac Pearson or any two of them, pursuant to the direction of this act.

And for avoiding the danger of embezzlement or misapplication of the said bills of credit:

[Section XXII.] Be it enacted by the authority aforesaid, That the said Samuel Rhoads, Michael Hillegas and Isaac Pearson or any two of them after the said bills shall be printed shall deliver them to the signers aforesaid to be signed and numbered by parcels, for which the said signers or some of them shall give their receipt: That is to say, two thousand pounds value in the said bills to any three of them at any one time, and so from time to time until all the said bills of credit shall be signed and numbered, in such manner that not more than the value of two thousand pounds shall remain in such signers' hands at one time, of all which said bills of credit so delivered to be signed a true account shall be kept by the signers, who upon their re-delivery of each or any parcel of the said bills by them signed and numbered shall take the receipt of the said Samuel Rhoads, Michael Hillegas and Isaac Pearson or any two of them, to charge them before any committee of assembly to be appointed for that purpose.

And each of the said signers shall receive ten shillings for every thousand of the said bills by them signed and numbered; and each of the said Samuel Rhoads, Michael Hillegas and Isaac Pearson shall have and receive for their trouble ten shillings per diem; and the provincial treasurer for paying and receiving the said bills of credit shall have and receive ten shillings for every hundred pounds and no more, to be paid and discharged by the said treasurer out of the moneys in his hands arising by the duties of tonnage to be levied by virtue of this act.

[Section XXIII.] And be it further enacted by the authority aforesaid, That as soon as the said bills shall be signed, numbered and perfected, the said Samuel Rhoads, Michael Hillegas and Isaac Pearson or any two of them shall deliver them to the provincial treasurer and take his receipt or receipts for the same, who shall therewith pay off and discharge all such drafts

and orders as may be drawn on him by the said wardens of the port of Philadelphia for the purposes mentioned in this act.

[Section XXIV.] And be it further enacted by the authority aforesaid, That if any person or persons shall presume to counterfeit any of the said bills of credit made and issued by virtue of this act by printing or procuring the same to be printed in the likeness or similitude of the said bills of credit, or if any person or persons shall forge the name or names of the signers of the said true bills of credit to such counterfeit bills, whether the counterfeiting of the said bills of credit or names be done within this province or elsewhere, or shall utter such bills knowing them to be counterfeited as aforesaid, and being thereof legally convicted by confession, standing mute or by the verdict of twelve men in any court of oyer and terminer within this province, he, she or they shall suffer death without benefit of clergy; and the discoverer or informer shall have as an encouragement to his discovery the sum of fifty pounds of the value of the goods and chattels, lands and tenements of the person or persons convicted; and if no such goods and chattels, lands and tenements can be found, the sum of ten pounds, to be paid by the provincial treasurer out of the moneys arising by the duty on tonnage to be levied by virtue of this act. And if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof with design to increase the value of the said bills, or shall utter such bills knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any court of quarter sessions of the peace within this province, every such person and persons shall be sentenced to the pillory, have both his or her ears cut off and nailed to the pillory and be publicly whipped on his or her bare back with thirty-nine lashes well laid on; and, moreover, every such offender shall forfeit the sum of one hundred pounds, to be levied on his or her lands, tenements, goods and chattels, one-half thereof to the use of the governor and the other half to the discoverer; and the offender shall pay to the party grieved double the value of the damages thereby sustained, together with the costs and charges of the prosecution; and in case the offender shall not have sufficient to satisfy such discoverer for his or her damages and pay

the forfeiture aforesaid, he or she shall be sold for any term not exceeding seven years to make such satisfaction, and in such case the said discoverer shall be paid by the provincial treasurer out of the moneys arising by the duty on tonnage to be levied as aforesaid, the sum of ten pounds; and every such counterfeit bill shall be delivered to the said treasurer to be made use of upon the trial of the person accused or suspected and afterwards to be burnt and destroyed in the presence of a committee of assembly.

And whereas divers sums of money have been borrowed and received by the commissioners appointed in and by the act of general assembly, entitled "A supplement to the act for erecting a lighthouse at the mouth of the bay of Delaware at or near Cape Henlopen, for placing and fixing buoys in the said bay and river Delaware, &c.,"² for the purposes in the said act mentioned, and it is just that the money so borrowed should be paid to the persons who have lent the same:

[Section XXV.] Be it therefore enacted by the authority aforesaid, That the said wardens shall with all convenient speed pay off and discharge all such sums of money which have been borrowed as aforesaid and remain due to the respective lenders with the interest thereof out of such moneys as shall be in the hands of the provincial treasurer and by law appropriated to that use, and out of the bills of credit emitted by virtue of this act, for which purpose the said wardens shall draw orders in favor of the said respective lenders on the said provincial treasurer, who shall forthwith discharge the same.

[Section XXVI.] And be it further enacted by the authority aforesaid, That the said wardens or a majority of them shall and they are hereby enjoined and required, with all convenient speed after the passing of this act, to purchase so much land in such parts or places for building and erecting thereon such and so many piers, and to contract with any person or persons for the use of such pier or piers as are already erected, and to extend improve and repair the same, as they shall think necessary to render the navigation in the said river and bay more safe in the winter season, and on the said land so bought to build and erect the said piers, and to agree on, do, execute and perform all and

² Passed September 22, 1764, Chapter 575.

every other act, matter and thing relating to the premises as shall appear necessary for the purposes aforesaid. And in order to defray the expenses thereof the said wardens or a majority of them shall draw orders on the provincial treasurer, who shall discharge the same out of the residue of the bills of credit hereby directed to be emitted after the money so borrowed shall be paid off and discharged.

And whereas it is expedient and necessary that the said lighthouse, buoys and piers should be duly supported, repaired and maintained, and that the said bills of credit hereby directed to be emitted should be paid off, sunk and destroyed:

[Section XXVII.] Be it therefore enacted by the authority aforesaid, That from and after the publication hereof there shall be laid, raised, collected and paid a duty of tonnage upon all ships and other vessels coming into or going out of this province (shallops and other small vessels trading within the river and bay of Delaware and along the coast as far as Sandy Hook to the eastward and as far as Indian River to the southward only excepted): That is to say, for all and every of the said ships or vessels the sum of seven pence per ton, to be accounted, taken and paid according to the measure of every such ship or vessel, which shall be made and taken by the collector of the said duty of tonnage in the port or place where they shall arrive, enter or clear; and the master or owner of every such vessel shall within forty-eight hours after the arrival of any such ship or vessel at the ports or places of their discharge or unloading in this province cause or procure such ship or vessels to be entered in the collector's office appointed by this act for collecting the said duties of tonnage, and at the time of such entry and before he or they presume to break bulk or unload, shall either immediately pay to the said collector the sums of money due and payable for the tonnage of all such ships or vessels, or otherwise shall give good and sufficient security by bond to the said collector, to be approved of by him, to pay the said duty of tonnage to the said collector or his successor for the uses aforesaid within the space of six weeks after the arrival of such ship or vessel, under the penalty of twenty pounds.

[Section XXVIII.] And be it further enacted by the au-

thority aforesaid, That the masters or owners of all vessels in any port of this province at the time of the publication of this act shall within forty-eight hours after the said publication enter their vessels in the said collector's office, and pay the said duties of tonnage to the said collector or secure the same to be paid in manner aforesaid under the penalty of twenty pounds, and that the masters or owners of all vessels now building or hereafter to be built within this province shall within forty-eight hours after demand made enter their vessels in the said office and pay or secure to be paid the like duties of tonnage in manner aforesaid under the penalty of twenty pounds.

[Section XXIX.] And be it further enacted by the authority aforesaid, That for preventing disputes concerning the contents of vessels hereby made liable to the said duty of tonnage, the said tonnage shall be measured and computed in manner following: That is to say, every single-decked ship or vessel shall be measured by the length of the keel and the breadth of the beam, taken within board by the midship beam from plank to plank, and the depth of the hold from the ceiling plank next the kelson to the under part of the deck plank, then multiply the length by the breadth and the product thereof by the depth and divide the whole by ninety-five; the quotient shall give the contents of the tonnage of such single-decked vessel; and in order to find the length of the keel, measure the gun deck from the forepart of the stern-post to the forepart of the stem, from which deduct three-fifths of the beam for the rake forward and four inches out of the length of each foot of the stern-post as high as the gun deck for the rake abaft; the remainder shall be the length of the keel. And every two-decked ship which carries goods between decks shall be measured in the manner hereinafter directed: That is to say, the breadth to be taken within board by the midship beam from plank to plank multiplied by the length of the keel, to be measured as hereinbefore directed and the product thereof multiplied by one-half of the breadth of the midship beam as aforesaid, the whole divided by ninety-five; the quotient shall be and is hereby declared to be the contents of the tonnage of every such two-decked ship or vessel; according to which method and rules all ships and ves-

sels shall be measured and the several duties of tonnage thereby computed and collected accordingly, any law, usage or custom to the contrary notwithstanding.

[Section XXX.] And be it further enacted by the authority aforesaid, That Thomas Coombe shall be and is hereby appointed collector of the duties and sums of money due and payable for the tonnage of all ships and vessels chargeable by this act and receiver of the fines and penalties imposed by this act, and is hereby authorized and empowered from time to time to measure all vessels and take the bonds required to be given for tonnage as aforesaid, and to appoint, constitute and make deputies, as many as shall be necessary, for the effectual recovery of the duties imposed by this act.

[Section XXXI.] Provided always, and be it further enacted by the authority aforesaid, That if the said collector or any other person or persons shall be sued or prosecuted for anything done in pursuance of this act, he or they so sued or prosecuted may plead the general issue and give this act and the special matter in evidence for their justification; and if upon trial thereof a verdict shall be given against the plaintiff or he shall become nonsuit or suffer a discontinuance, the defendant or defendants in such action shall recover treble damages with full costs of suit.

Provided also, That the said collector or any other person shall not be sued for anything done in pursuance of this act unless such suit be commenced within six months next after the pretended or supposed injury shall be done or committed.

[Section XXXII.] And be it further enacted by the authority aforesaid, That the said collector shall keep fair and true accounts in writing of all his transactions relating to the premises and the duty of his office, which he shall from time to time submit to the view and inspection of the wardens aforesaid and lay the same before the committees of assembly of this province when thereunto required. And the said collector shall once in six weeks or oftener if required during the continuance of this act pay to the provincial treasurer for the time being all such sums of money which he shall receive by virtue of this act, deducting first thereout for his trouble in executing

the duties hereby enjoined six per centum for measuring, receiving and paying as aforesaid; and the receipt or receipts of the said treasurer shall be a good and sufficient discharge to the said collector for so much of the duties of tonnage as shall be therein expressed and specified. And the said provincial treasurer shall have and receive for his trouble in receiving and paying the moneys coming to his hands by the duties of tonnage imposed by virtue of this act the sum of ten shillings for every hundred pounds and no more.

[Section XXXIII.] Provided always and be it further enacted by the authority aforesaid, That the said collector before he enters upon the execution of his office shall take an oath or affirmation before some justice of the peace of the county of Philadelphia, who is hereby empowered to administer the same, and shall also become bound with one or more sufficient sureties to be approved of by the said wardens, to the governor or commander in chief of this province for the time being, conditioned for the true and faithful execution of his said office; and in case of the death or removal of the said collector the wardens aforesaid or a majority of them or of the survivors of them shall appoint another to supply his place from time to time until one shall be appointed by act of assembly, who shall take the like qualification and give the like security as is directed to be taken and given by the collector appointed by this act, and shall have the same power and authority as the said Thomas Coombe hath or ought to have, and shall execute, do and perform all the duties, matters and things hereby enjoined and required.

[Section XXXIV.] And be it further enacted by the authority aforesaid, That the aforesaid wardens or a majority of them shall from time to time nominate and appoint one careful and reputable person to be the keeper of the said lighthouse, who shall carefully and diligently attend his duty in kindling and keeping burning the lights from sunsetting to the rising thereof and at such other times as the said wardens shall order and direct, and in placing the said lights so as they may be best seen by persons on board vessels coming into or going out of the said bay of Delaware; and in case such keeper shall neglect his duty in any part of the premises he shall forfeit and pay any

sum of money, according to the degree of his offense, not exceeding the sum of two hundred and fifty pounds.

Provided always, That the said keeper before he enters upon the duty of his said office or takes charge of the said lighthouse shall give one or more good and sufficient sureties residing in this province to the governor or commander in chief for the time being for the true and faithful performance and discharge of his duty.

[Section XXXV.] And be it further enacted by the authority aforesaid, That the said wardens shall repair and maintain in good order the said buoys, piers and lighthouse and keep up the lights in the said house at all proper times or cause the same to be done, and for those purposes shall draw orders on the provincial treasurer, who shall discharge the same out of the moneys paid into his hands by the collector of tonnage as aforesaid; and that the said treasurer shall exchange the residue of the moneys which shall be paid to him by the said collector after the expenses aforesaid with all other charges directed by this act to be paid out of the duty of tonnage aforesaid shall be discharged, for the value thereof in the bills of credit hereby emitted, and yearly as they shall come to his hands deliver them over to such committees of assembly as shall be appointed to settle the public accounts, who shall burn and destroy them.

[Section XXXVI.] And be it further enacted by the authority aforesaid, That the fines and penalties hereby inflicted and imposed and not hereinbefore appropriated shall be recovered by and in the name of the collector aforesaid or his successor by bill, plaint or information in any court of record within this province, wherein no essoin, protection or wager of law nor any more than one imparlance shall be allowed, one moiety thereof to the said collector or his successor and the other moiety to the provincial treasurer, to be applied by the wardens aforesaid to the same uses, intents and purposes to which the duties of tonnage aforesaid are hereinbefore directed to be applied and appropriated.

[Section XXXVII.] And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the space of fifteen years from and after the passing

thereof and from thence to the end of the next sitting of assembly, unless it shall so happen that the said duties of tonnage so to be collected shall not in that time be sufficient to pay off and discharge the bills of credit emitted by virtue of this act, in which case this act shall continue in force until the said duties shall be sufficient for that purpose; and in case a greater sum of money shall be raised within the time aforesaid more than sufficient for the purposes aforesaid, then and in such case the surplus aforesaid shall be applied for and towards the supporting, maintaining and keeping in repair and use the said lighthouse, buoys and piers aforesaid in the best manner, so as to be of the most advantage to trade and navigation.

[Section XXXVIII.] And be it further enacted by the authority aforesaid, That the said wardens shall yearly and every year lay their accounts before the committee of assembly for the time being appointed for the settlement of the public accounts, to be by them examined, adjusted and laid before the assembly then sitting.

[Section XXXIX.] And be it further enacted by the authority aforesaid, That the act of general assembly passed in the eleventh year of His present Majesty's reign, entitled "An act appointing wardens for the port of Philadelphia and for the better regulating pilots plying in the river and bay of Delaware and the price of pilotage to and from the said port:"¹ and one other act of general assembly passed in the same year, entitled "An act for the support of the lighthouse erected at the mouth of the bay of Delaware and the buoys placed in the said bay and the river Delaware and for the repayment of the moneys borrowed for erecting the said lighthouse and placing the said buoys,"² and every article, clause, matter and thing in the said acts contained shall be and are hereby declared to be repealed.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the notes to the Acts of Assembly passed September 30, 1763, Chapter 502; February 8, 1766, Chapter 536; May 20, 1767, Chapter 561; March 9, 1771, Chapter 632; and the Acts of Assembly passed March 18, 1775, Chapter 708; June 29, 1775, Chapter 712;

¹ Passed March 9, 1771, Chapter 632.

² Passed October 19, 1771, Chapter 640.

April 9, 1782, Chapter 965; April 15, 1782, Chapter 984; September 20, 1783, Chapter 1034; (the two Acts of Assembly passed) April 1, 1784, Chapters 1095, 1101; September 23, 1784, Chapter 1115; April 4, 1785, Chapter 1158; April 5, 1785, Chapter 1161. The act in the text was repealed by the Act of Assembly passed October 4, 1788, Chapter 1365.

CHAPTER DCLXXII.

AN ACT FOR EMITTING THE SUM OF ONE HUNDRED AND FIFTY THOUSAND POUNDS IN BILLS OF CREDIT ON LOAN AND PROVIDING A FUND FOR THE PAYMENT OF PUBLIC DEBTS.

Whereas through the scarcity of gold and silver within this province, occasioned by the frequent remittances thereof to Great Britain in discharge of the debts continually accruing by the importation of manufactures and merchandise from thence and the constant sinking the bills of credit emitted during the late far and granted to His Majesty for the protection of His American Dominions, the improvement, population and commerce of this province are obstructed and the government reduced to great difficulties in paying its just debts and supporting its credit and honor:

For remedy whereof:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That bills of credit to the value of one hundred and fifty thousand pounds shall be prepared and printed within twelve months next after the passing of this act on good strong paper, under the care and direction of the trustees of the general loan office of this province hereinafter appointed, the charges whereof shall be paid by the provincial treasurer out of the moneys and bills of credit directed to be made and printed by the act