

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That an act entitled "An act to suspend for a limited time, the collection of all militia fines, incurred under laws passed before the twenty-second day of March one thousand seven hundred and eighty-eight,"¹ shall from and after the first day of May next be and the same hereby is repealed and made void.

¹ Passed November 19, 1788, Chapter 1383.

Passed March 27, 1789. Recorded L. B. No. 3, p. 515. See the Act of Assembly passed April 5, 1790, Chapter 1513.

CHAPTER MCDXVII.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

(Section I, P. L.) Whereas an act of this commonwealth entitled "An act to establish a board of wardens for the port of Philadelphia and for other purposes therein mentioned," hath in the operation thereof proved in some respects defective and therefore requires to be amended:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That all and every certificate and certificates heretofore granted unto any pilot and pilots by any board of wardens prior to the passing of the said recited act and not vacated by any board of wardens shall and the same are hereby declared to be of the like force and effect for the time and term of six months and no longer to be computed from the day of the passing of said recited act as if the said certificate and certificates were granted in pursuance of the said recited act, anything therein contained to the contrary thereof in any-wise notwithstanding. Nor shall it be lawful to and for the collector of tonnage or to and for any other person

or persons whomsoever, to ask, demand, enforce, exact or collect any forfeiture or forfeitures, penalty or penalties which hath or have accrued or which could or might accrue in pursuance of the said recited act in the case aforesaid for and during the said term and time of six months, and if the said collector of tonnage or any other person or persons whomsoever hath or have heretofore enforced, collected and received any such forfeiture, the said collector of tonnage or such other person and persons is and are hereby authorized, required and enjoined to repay, restore and deliver the same and every part and parcel thereof unto the pilot or pilots respectively from whom the same shall or may have been enforced, collected and received as aforesaid, anything in the said recited act to the contrary thereof in anywise notwithstanding.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whenever and as often as the master warden shall be incapable of attending and discharging the duties of his office by reason of sickness or other disability or shall be necessarily absent, it shall and may be lawful to and for the wardens of the said port of Philadelphia, and they are hereby required to meet at the warden's office and then to choose some fit person of their own number to perform and discharge the duties required of the said master warden for and during the continuance of such sickness or other disability or such necessary absence and no longer. And the person so chosen shall during the period aforesaid be vested with all the powers and authorities and do and perform all the duties which are by the said recited act or by this supplement vested in or required from the said master warden.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That any number not less than three of the wardens shall constitute a board competent to the business from time to time of examining any person or persons offering himself or themselves to serve as pilot or pilots to and from the port of Philadelphia or to grant a certificate or certificates to such person and persons according to the provision, true intent and meaning of the fifth section of the said recited act.

[Section IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That from and after the passing of this supplement it shall not be lawful to and for the said master warden or to and for any other person or persons whatsoever under his authority to sell or expose to sale any cable or cables, anchor or anchor-stock found and taken up within the said bay or river Delaware and delivered unto the said master warden according to the directions of the said recited act until the full end and term of four months from and after the date of the first advertisement directed by the twentieth section of the said recited act to be made and published concerning the finding of such cable and cables, anchor or anchor-stock, anything in the said recited act to the contrary thereof in anywise notwithstanding:

And whereas many matters and things are unnecessarily introduced into the eleventh section of the said recited act, provision being made touching the same in other parts and clauses thereof:

[Section V.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That so much of the eleventh section of the said recited act as imposes a forfeiture on the master, owner or merchant of any ship or vessel of not more than one hundred tons burden that shall be carried from the port of Philadelphia by any person or persons not having the certificate by the said recited act directed, if a qualified pilot may be had or procured, or which directs the collector of tonnage to pay the money arising from such forfeiture to the wardens or master warden of the port of Philadelphia for the time being, before the same is delivered to the pilot for whose use it was originally imposed, or which excepts the making of contracts or disposing of moneys and declares that the same shall only be done by the wardens at their monthly meetings or by a majority of them when specially convened in the manner therein before directed as far as the aforesaid several matters and things are contained and set forth in the said eleventh section, but no further, together with each and every other clause and clauses, section and sections, part and parts of clauses and sections of the said recited act, as is and are by this supplement altered

the exemptions of vessels under fifty tons from the necessity of making entry at the tonnage office may afford an opportunity for vessels of a greater burden to evade the duties of tonnage imposed by the laws of this commonwealth and thereby considerably diminish the revenues thereof.

Therefore:

[Section VI.] (Section VII. P. L.) Be it further enacted by the authority aforesaid, That from and after the passing of this act all and every vessel and vessels of whatsoever burden the same may be which shall come from any port or ports to the southward of Senapuxent or from any port or ports to the Northward of Little Egg Harbor shall be reported and entered and the masters, owners and merchants thereof are hereby required to report and enter the same or to cause the same to be reported and entered before the tonnage-officer of the said port of Philadelphia in the same manner and within the same time and subject to the same forfeitures and penalties for the neglect or refusal to do so to the same uses with like remedy for the recovery thereof as are directed, declared, imposed and provided in and by the said recited act to which this is a supplement in the case of any vessel or vessels of more than fifty tons burden. Provided always nevertheless, That if such vessel and vessels so reported and entered as aforesaid shall not exceed the burden of fifty tons, then and in every such case, the same shall be allowed and receive all and every discharge, exemption, freedom from duty, benefit and advantage whatsoever which before the passing of this act any vessel not exceeding the said burden of fifty tons could have claimed or to which the same would have been entitled by virtue of the said recited act to which this is a supplement, anything herein contained to the contrary thereof in anywise notwithstanding.

And whereas complaints have been made by the masters and owners of vessels against the pilots piloting the same in the said bay and river Delaware for and on account of the negligence, inattention or intoxication of such pilots, by means whereof vessels are unnecessarily delayed in their passage to and from the said port of Philadelphia and are exposed to many injuries and losses in their tackle, rigging, boats and anchors:

And whereas complaints have also been made by pilots against the masters of vessels for that such masters without any reasonable cause have wantonly and capriciously discharged and dismissed such pilots and taken others in their place and stead and have sometimes compelled them to depart in their pilot boats at unseasonable and inclement times or have set them on shore at inconvenient and improper places to the manifest discredit and great injury of such pilots:

And whereas the laws of this commonwealth have not provided any adequate remedy for the two several cases hereinbefore immediately recited and it is expedient and just that the same should be entitled to a speedy and summary consideration and redress:

Therefore:

[Section VII.] (Section VIII, P. L.) Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said master warden or wardens of the port of Philadelphia at their monthly meetings or when specially convened according to the powers and directions for that purpose given in the said recited act to which this is a supplement and he or they are hereby required to receive and hear all and every such complaint or complaints and the evidence and proof in support thereof respectively and upon due consideration of the circumstances and merits of each and every case to decide and give judgment thereupon, that is to say: if such complaint or complaints shall be made by any master or masters, owner or owners of any vessel or vessels against the pilot or pilots employed in piloting the same in the said bay and river Delaware and such complaint or complaints shall upon consideration as aforesaid be deemed just and well founded then and in every such case the said master warden or wardens shall and he or they are hereby authorized and empowered to fine the said pilot or pilots in any such sum not exceeding the whole of his or their pilotage as they the said master warden or wardens shall think a sufficient compensation for the injury done by the neglect, inattention, intoxication or other misconduct of such pilot or pilots, for the use of the party aggrieved and also shall

and may in his or their discretion suspend for a certain time or entirely revoke and cancel the certificate or certificates of such pilot or pilots and if such pilot or pilots shall during such suspension, or shall after such revocation of his or their certificate or certificates undertake or perform any of the duties of a pilot of the said port of Philadelphia, he or they so doing shall be subject to the same disabilities, forfeitures and penalties as is and are imposed, provided and declared in and by the said recited act to which this is a supplement, in the case of persons acting as pilots of the said port of Philadelphia without having first obtained the certificate or certificates therein directed, and [if] such complaint or complaints shall be made by any pilot or pilots against the master or masters of any vessel or vessels which he or they shall be employed in piloting in the said bay and river Delaware and such complaint or complaints shall, upon consideration aforesaid, be deemed just and well founded, then and in every such last mentioned case the said master warden and wardens shall and he or they are hereby authorized and empowered to determine and award what sum shall be paid by such master or masters for the detention or damage aforesaid and if the master or masters of such ship or vessel cannot be found previous to such award and determination, then the owner or owners of such ship or vessel shall and he or they are hereby made liable for the amount of such award or determination all which sum or sums so adjudged shall be recoverable in like manner as such sums are made recoverable by the act to which this a supplement. Provided always nevertheless, That in the aforesaid two several cases the like appeal and appeals from the decision or decisions of the said master warden or wardens shall be admitted and allowed subject to the same rules and limitations as is and are admitted, allowed and provided in similar cases by the said recited act to which this is a supplement.

Passed March 27, 1789. Recorded L. B. No. 3, p. 486. See the Act of Assembly passed April 13, 1791, Chapter 1572. The Act in the text was repealed by the Act of Assembly passed April 11, 1793, Chapter 1698.