

such payments to the respective commissioners of the several counties, to the intent that the same may be acknowledged by an indorsement in writing upon the respective deeds of mortgage, which shall accordingly be done, and the said county treasurers, respectively, shall hold the moneys so to them paid on account of the principal sum due from the several mortgagors, subject to the drafts of the respective commissioners of the several counties, for the purpose of reloading the same, agreeably to the provisions contained in the preceding section of this act, and the money so to the county treasurers respectively paid, on account of the interest due from the respective mortgagors, shall, from time to time be by them paid to the state treasurer, unless otherwise hereafter directed by the legislature, as soon as conveniently may be, after the same shall be received by the said county treasurers, respectively.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners, and treasurers of the several counties, shall keep in proper books, a fair, full and accurate statement of their respective transactions, and shall, once in every year (or oftener if required) exhibit the said books, and their respective official vouchers and papers, to the person or persons that now are or hereafter may be empowered by law to settle the accounts of the said commissioners and treasurers, respectively, for inspection and examination.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

See Repealing Act passed April 18, 1794; Chapter 1750.

CHAPTER MDCXCVIII.

AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) 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 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, to be yearly appointed by the governor of this 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 devise as they shall think proper, and the same to break, alter and renew at their pleasure.

[Section II.] (Section II, P. L.) 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 said clerk shall give true copies of all such entries or minutes made in the said book, 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 obtain, every line to consist of not less than twelve words.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said master warden, who shall be chosen annually in manner aforesaid, 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 said duties, and receive the same

compensation as the said master warden would otherwise have been.

[Section IV.] (Section IV, P. L.) 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 wardens may appoint, and the said wardens, three of whom shall be a quorum, when met, shall have full power and authority, under the limitations hereinafter prescribed, to grant licenses 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; to direct the mooring of ships and vessels in the harbor, 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 breach thereof, in respect to the matters aforesaid, as they shall deem fitting and proper; provided, That such rules and regulations shall not be contrary to the constitution or laws of the United States or of this commonwealth.

Provided, That if any person whomsoever shall conceive himself aggrieved by any decision, direction or penalty made, given and imposed by the said wardens, such pilot or other person may, 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.

[Section V.] (Section V, P. L.) 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 wardens aforesaid, for a license to entitle him to follow that occupation; and 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

license to all such as they shall deem qualified according to their respective abilities; 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 licenses 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 license shall be entitled to receive a new one in lieu thereof, giving like security as hereinafter 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 licenses, exercise the profession of a pilot in the bay or river Delaware without such license, or at any time after his license 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 person who shall sue for the same and the other half to the wardens aforesaid, to the uses hereinafter mentioned.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no license 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 five years to a licensed pilot; nor any license of the second class, except to persons already licensed as aforesaid, or as shall have served an apprenticeship of at least four years in manner aforesaid; nor any license of the third class, except to persons already licensed as aforesaid, or who shall have served an apprenticeship of at least three years in manner aforesaid; nor shall any license 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 three hundred dollars, nor less than one hundred and fifty dollars, conditioned for the due 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 licenses to them granted when required by the wardens in pursuance of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the licenses or certificates heretofore granted to any pilot or pilots by any former board of wardens and not vacated shall for the space of three months from and after the passing of this act, and no longer, be of the same force and effect as if the said licenses 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.

[Section VIII.] (Section VIII, P. L.) 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, provided his license shall authorize him to pilot ships or vessels of such draught of water, and it shall be the duty of such pilot to exhibit his license to the master or commander of such ship or vessel, and in case the draught 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 in all cases where 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.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the compensation to be paid 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 seventeen cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-four cents; and for every half foot of water which any outward bound vessel shall draw under and up to twelve feet, the sum of eighty-three cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-four cents; and so in proportion for any less distance, to be settled and adjusted, in case of dispute, by the board of wardens for the time being; and shall also receive over and above the said sum, for every vessel not being the property of a citizen or citizens of the United States, the sum of two dollars and sixty-seven cents; 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, more than twenty-four hours, 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, and also the sum of two dollars and sixty-seven cents for every day which his boat may be detained in attendance on any inward or outward bound vessel, by the master, owner or consignee of such vessel; and in case of disagreement the board of wardens shall decide.

[Section X.]. (Section X, P. L.) 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 other 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 twenty-four 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 ten dollars to the use of the wardens; 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 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.

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.

[Section XI.] (Section XI, P. L.) 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, shall be carried to sea in any ship or vessel contrary to his inclination, the master, owner or consignee of such ship or vessel shall pay to such pilot, his executors or administrators, the sum of twenty dollars 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 master, owner or consignee shall pay the sum of fourteen dollars per month, as aforesaid; and if any second rate pilot shall be carried off, as aforesaid, having a boat attending him, sixteen dollars per month, and if without a boat, eleven dollars per month shall be paid as aforesaid; and

if any third rate pilot shall be carried off, as aforesaid, having a boat attending him, thirteen dollars per month, and if without a boat, nine dollars per month shall be paid, as aforesaid, by the said master, owner or consignee of any ship or vessel which shall so convey or carry off such pilots, respectively, for every month he shall be necessarily absent, until his death or return to the Capes as aforesaid; and if any master of any ship or vessel shall carry off to sea any pilot, contrary to his inclination, when his boat or any other boat is ready to take him from such ship or vessel, and the same may be done without endangering the vessel aforesaid, the master or owner of such ship or vessel shall, for every such offence, forfeit and pay to every such pilot, his executors or administrators, the sum of 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.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person having license 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 license; 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 license as a pilot for the bay or river Delaware.

(Section XIII, P. L.) Whereas it may happen by decease, removal or otherwise, that the number of pilots necessary for the port of Philadelphia may be so reduced as to occasion much inconvenience to the trade of the state. For remedy whereof:

[Section XIII.] Be it further enacted by the authority aforesaid, That 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 space of six months, subject to be renewed, if the occasion should require it, and subject to the like rules, orders and regulations, liable to the like fines, penalties and forfeitures as other pilots who shall be appointed by virtue of this act.

[Section XIV.] (Section XIV, P. L.) 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, it shall and may be lawful for the master of any such ship or vessel, after being so detained for six days, 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 six days, his compensation for such detention shall be fixed by the board of wardens, unless the parties shall otherwise agree.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any pilot shall misbehave in the execution of his duty, or any damage shall accrue by reason of his negligence or incapacity, upon due proof being made thereof to the wardens, it shall be lawful for them to fine such pilot, in any sum not exceeding the amount of the pilotage of the ship or vessel, to which such damage shall have happened, or to suspend such pilot for a term, not exceeding one month, and in every case of suspension, the pilot shall deliver up his license to the wardens, to be by them kept till the time for which he may have been suspended shall have expired.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful, upon complaint made 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, matter, cause, controversy or dispute that shall or may arise between pilots, masters of vessels, owners, consignees or others respecting pilotage or other matters in dispute under this act, where the same shall not be above the

sum of ten pounds, 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 execution, with costs of suit, in the same manner and subject to the like appeal as in other cases of a demand, not exceeding forty shillings, and keep fair entries and records of all proceedings thereon, from the commencement of the first process to the end of such suit, provided that in all cases in the act mentioned, where power is given to the master warden or board of wardens to settle and adjust any matter or thing, the same shall, when so adjusted and settled, and no appeal made thereon within six days, be deemed and taken for conclusive evidence before such justice, mayor or alderman.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being shall cause an abstract of the act, entitled "An act to prevent infectious diseases being brought into the province,"¹ containing the substance of all such regulations and duties, therein made and enjoined, as relate to the commanders, masters or persons having charge of ships or vessels bound to the port of Philadelphia, and have a competent number of copies of such abstract printed in the English, German and French languages, and distributed to and among the licensed pilots, so as to enable each and every of the said pilots to furnish and deliver one of the said copies to the commander or master of each and every inward bound vessel such pilot may take charge of.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of every pilot, and he is hereby enjoined, to deliver one of the said abstracts or copies to the commander or master of every inward bound ship or vessel which he may take charge of as pilot, or shall otherwise fully inform such commander or master of the nature and purport of such regulations, and of the duties thereby enjoined, and such pilot shall not conduct such ship or vessel nearer to the city of Philadelphia than is

¹ Passed January 22, 1774; Chapter 691.

consistent with the said regulations, on pain of being suspended from exercising the duties and receiving the emoluments of a pilot for twelve months, and of forfeiting one hundred and twenty dollars for every such offence, to be recovered by the wardens and appropriated as hereinafter is directed.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That every pilot who shall pilot any ship or vessel to the port of Philadelphia, or as far up the river Delaware as Little Mud Island, shall, within forty-eight hours next after her arrival at the said port or island, make report thereof to the warden's office, specifying the names 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, to be recovered and appropriated as other fines and forfeitures are by this act to be recovered and appropriated.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That neither the ballast, bedding or clothing on board of any ship or vessel judged or deemed to be infectious under the act, entitled "An act to prevent infectious diseases being brought into this province,"² shall be brought up to the city of Philadelphia, the district of Southwark or Northern Liberties, but the same shall be thrown out or discharged at such convenient and proper place as the health officer may appoint and direct, under the penalty of five hundred dollars, to be recovered by the wardens and appropriated as hereinafter is directed.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being shall do and perform, and he is hereby enjoined and required to do and perform, every act, matter and thing which by the laws of this commonwealth are enjoined and required to be done and performed by the officer styled and known by the name of health officer, and for that purpose

² See Ante.

he is hereby vested with the same power and authority, entitled to the same privileges and perquisites and subject to the same penalties as any health officer heretofore hath been vested with, entitled or subject to, and the said master warden for the time being, and no other, shall henceforth be deemed, taken and considered to be the health officer, as fully to all intents and purposes as if the said master warden were appointed in manner heretofore directed by the laws of this commonwealth.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the payment of those parts of the sums of money usually charged to passengers coming from foreign parts, commonly called head money, which are by law payable in the state treasury, shall, from and after the passing of this act, cease to be paid by or charged to such passengers other than negro and mulatto slaves.

[Section XXIII.] (Section XXIII, P. L.) 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 action of debt, case, bill, plaint or information, in any court of record within this state or otherwise, 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, wages and other incidental expenses arising from the due execution of this act, and all other expenses, 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, specially 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 just and true accounts of them, once in three months, to the register-general, who is hereby authorized 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.

[Section XXIV.] (Section XXIV, P. L.) 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, or cause any wharf or other building to be made in the tideway 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 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 and harbor, the board of wardens, at any of their said stated monthly meetings, or

when especially convened in manner aforesaid, shall give their assent and license for erecting, extending or making such wharf or 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 license, 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, after hearing the reasons which induced the wardens to refuse their assent, shall finally determine and award thereon as they may think right and proper, and if any person or persons, after the publication of this act, shall make or extend any wharf or building within the city or liberties of Philadelphia into the river Delaware beyond low water mark, without license 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 this act made payable to them are directed to be recovered and applied.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That no ship or vessel which, by the laws 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 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 aforesaid, 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 control and direction of the master warden for the time being.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That when any ship or vessel which, by the laws of the United States, may be subject to the duties of tonnage, shall be moored at and occupy any wharf, or end or side thereof within the city and liberties aforesaid, affording proper convenience for such vessel to discharge and receive goods, either with or without the leave and consent of the owner or possessor of such wharf, and without any agreement being made for the rate or price of such wharfage, it shall and may be lawful for the owner or possessor of such wharf to demand and receive for such wharfage, any sum not exceeding the rate of eighty cents per day, for so long time as such vessel shall occupy such wharf, or part thereof, and for an outside berth, the second vessel from a wharf shall pay not exceeding the rate of forty cents per day, and the third vessel from a wharf shall pay not exceeding the rate of twenty cents per day.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being, or any board of wardens be, and they are hereby severally authorized and required, on application to him or them made for the removal of any ship or vessel out of repair, unemployed and occupying any wharf for an unreasonable length of time, to the hindrance and obstruction of other vessels, to inquire into the nature and circumstances of the wardens or board of wardens shall approve; and in case such convenient and proper place as the owner, master or other person having charge thereof shall choose, and as the said master wardens or board of wardens shall approve; and in case such owner or other person shall refuse or neglect to choose such other place or situation as shall be so approved, or to make such removal of the vessel as the said master warden or board of wardens shall direct, within twenty-four hours after due no-

tice given for that purpose, such owner, master or other person having charge of such ship or vessel, shall forfeit and pay to the said wardens the sum of twelve dollars for every day such ship or vessel shall afterwards remain unremoved as aforesaid, unless prevented by stress of weather or other reasonable cause, of which the said master warden or board of wardens shall be the judge or judges, which forfeitures shall be sued for, recovered and appropriated as other forfeitures herein mentioned are to be recovered and appropriated.

[Section XXVIII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever 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, or 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 wardens the sum of one hundred and fifty dollars, to be by them recovered and appropriated as other forfeitures herein mentioned are to be recovered and appropriated.

[Section XXIX.] (Section XXIX, P. L.) 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 appellant shall persecute 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 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 expenses occasioned by the appeal, including the established pay of the master warden and the clerk for so long time as they shall have attended the said business.

[Section XXX.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That every warden who shall 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.

[Section XXXI.] (Section XXXI, P. L.) 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 for every day which he may attend at the wardens office in pursuance of this act, and the clerk of the board of wardens, shall receive, as a compensation for his service, the sum of three hundred dollars per annum, which said several compensations shall be paid by the treasurer of this commonwealth, by virtue of orders drawn on him for that purpose on the board of wardens, out of the moneys which shall be paid into his hands by virtue of this act, and if upon settlement of the accounts relative to the said warden's office, and the expenses 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 moneys paid into the hands of the said master warden, as aforesaid, have been insufficient to defray the said expenses, 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.

[Section XXXII.] (Section XXXII, P. L.) 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 skillful person to perform the duties herein enjoined and required.

[Section XXXIII.] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That the act of general assembly, passed the fourth day of October, in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An act to establish a board of wardens for the port of Philadelphia and for other purposes therein mentioned,"³ and one other act, entitled "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,'"⁴ and every clause, matter and thing in them, or either of them, contained, excepting the forty-sixth section or clause in the first mentioned act repealing certain laws therein mentioned, shall be and the same are hereby repealed.

[Section XXXIV.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That the appeal allowed in the fourth section of this act be, and it is hereby extended to all the fines and penalties hereby authorized.

[Section XXXV.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That this act shall remain and continue in force for and during the term of one year from the time of passing the same, and from thence until the end of the next session of the general assembly of this

³ Chapter 1363.

⁴ Passed March 27, 1789; Chapter 1417.

commonwealth, unless congress shall before that time otherwise provide by law, and no longer.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

Supplement passed April 22, 1794; Chapter 1765. Further Supplement passed April 6, 1795; Chapter 1823. Amended and continued by Act of April 5, 1797; Chapter 1956. See Act of April 9, 1799; Chapter 2066, continuing and making perpetual with exception of certain sections.

CHAPTER MDCXCIX.

AN ACT TO PROVIDE FOR THE DEFENCE OF THE RIVER DELAWARE.

[Section I.] (Section I, P. L.) 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 a sum not exceeding five thousand dollars be appropriated for defraying the necessary expenses that by the orders of the governor may have been or shall be incurred in repairing the fort and erecting a battery upon Mud Island, for the purpose of commanding the navigation of the river Delaware, which sum shall be paid by the state treasurer upon the warrants of the governor, out of the funds appropriated by law to pay the expenses of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the necessary expenses that may have been, or until the first day of January next shall be incurred, for the pay and rations for the militia necessarily stationed at the said fort, shall, until repaid by the general government, be paid by the state treasurer upon the warrants of the governor, out of the fund appropriated by law for defraying the expenses that may be incurred by calling into actual service the militia necessary for the defence of the frontiers.

Passed September 4, 1793. Recorded L. B. No. 5, p. 174, etc.