

PORT WARDEN - DUTIES OF - PHILADELPHIA
Act of Apr. 14, 1859, P.L. 643, No. 639

Cl. 74

AN ACT

Relative to the Duties of the Port Warden of Philadelphia.

Section 1. Removal of vessels sunk in channel of Delaware or Schuylkill rivers; notice to remove; penalty

It shall be the duty of the master warden of the port of Philadelphia, immediately upon information of the sinking of any canal boat, barge, or other vessel in the channel-way of the tide-waters of the river Delaware or river Schuylkill, within the limits of the port of Philadelphia, to give notice to the owner, master or other agent having charge thereof, to raise and remove such obstruction within ten days after the date of said notice, under a penalty of one hundred dollars, to be sued for and recovered before any alderman or justice of the peace within the limits as aforesaid, as by law such sums are recoverable from the owner, master or other agent having control of the same, to and for the use of the board of wardens of the port of Philadelphia, subject, nevertheless, to an appeal to the court of common pleas of the proper city and county; which said sum or sums so recovered shall be appropriated towards the payment of salaries and contingent expenses of the warden's office. In case of refusal or neglect of the parties interested as aforesaid, to raise and remove any such obstruction within the time specified in said notice, it shall be the further duty of said master warden to have it raised and removed at the expense of the owner, master, or agent; and the said canal boat, barge, or other vessel, together with the cargo thereof, shall be subject to a lien in the hands of the said master warden until the expenses of raising and removing shall be fully paid to him; and the said master warden is hereby authorized to sell at public auction to the highest bidder, for cash, all such property or so much thereof as is necessary to pay all the expenses of raising and removing, together with the penalty aforesaid, and shall return the surplus, if any, of such sale to such person or persons as shall be legally entitled to receive the same: Provided, That the master warden, before proceeding to sell any such property as aforesaid, shall give five days' notice by at least twenty hand-bills (printed), to be posted in conspicuous places along Delaware Avenue, Setting forth a full description of any such property to be sold, together with time and place of selling the same. 1859, April 14, P.L. 643, Sec. 1.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.