

BOARD OF WARDENS - PORT OF PHILADELPHIA
Act of Apr. 8, 1868, P.L. 755, No. 698
A FURTHER SUPPLEMENT

Cl. 11

To an act passed March twenty-ninth, eighteen hundred and three, to establish a board of wardens of the port of Philadelphia, and for other purposes.

WHEREAS, Doubts have arisen as to the true construction of certain laws heretofore enacted relative to the building and owning of wharves in the rivers Schuylkill and Delaware, and it is desirable to have all such doubts removed; therefore,

Section 1. License for erection or extension of wharves; "owners of land inside of low water mark" defined

The waters in rivers outside of low water mark being the property of the Commonwealth, no owner of land inside of said low water mark shall be authorized to erect any wharf, or to extend one already built, in the port of Philadelphia, without first procuring a license so to do from the board of wardens of the port, as provided by existing laws: Provided, That the riparian owner or proprietor of any land in the said Port of Philadelphia, heretofore or hereafter appropriated or dedicated to public use, for the purpose of widening Delaware avenue, or for the purpose of any street, avenue, or highway, under or by virtue of any existing law, his or their heirs, successors, or assigns, shall be deemed and regarded an "owner of land inside of low water-mark," within the meaning and intent of this section, notwithstanding such appropriation or dedication. 1868, April 8, P.L. 755, Sec. 1.

Section 2. Title to remain in Commonwealth; owner of wharf to receive compensation

The water or dock left for the use of any wharf shall remain vested in the Commonwealth, subject to existing laws; but the owner of such wharf shall be entitled to charge and receive compensation for the use of the same, and to enjoy all the rights and privileges in connection therewith, to which he is now by law entitled. 1868, April 8, P.L. 755, Sec. 2.

Section 3. Title to wharves erected under license; mode of conveyance

All wharves heretofore or hereafter erected by license from said board, under or by virtue of existing laws, shall be the property of the party or persons so lawfully and properly licensed to erect or extend said wharf, his or their heirs, successors, and assigns, and may be conveyed by deed as in other cases of conveyance of real estate, but shall always remain subject to such regulations as are authorized by existing laws. 1868, April 8, P.L. 755, Sec. 3.

Section 4. Breadth of water front; in case of dispute, Board of Wardens to settle dispute

The breadth of water front appertaining to each proprietor or owner of land on the river bank shall be determined by protracting the lines of the land to the line established as the

limit to which wharves may be built, whenever the protraction of the said lines would not result in giving the said owner more, or to any other property owner less than his proportionate share of frontage on the said wharf line; and in case of a conflict arising from the divergence or conveyance of the lines of private riparian property, or of the public streets, the Board of Wardens are authorized to settle the lines outside of low water mark, so that equal justice shall be done to all concerned. 1868, April 8, P.L. 755, Sec. 4.

Section 5. Water surface between adjoining wharves

No license shall be granted under which a new wharf is to be built, or an old wharf extended, in counties coextensive with cities of the first class, unless there shall be, after the building or extension of such wharf, a dock or water surface between it and the adjoining wharves on each side of at least one hundred and fifty feet unless said board of wardens, by a vote of a majority of the whole board, shall decide that the public convenience demands a variance from this rule in any particular case. 1868, April 8, P.L. 755, Sec. 5; 1897, June 14, P.L. 143, Sec. 1.