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HASKETT'S
ABSTRACT OF THE LAWS
OF
VESSELS. WHARVES. &c

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Captain Jacob Henry Esq.



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AN ABSTRACT
OF THE
LAWS OF THE STATE,
AND
ORDINANCES OF THE CORPORATION
OF THE
CITY OF NEW YORK,
IN RELATION TO
**VESSELS, WHARVES, SLIPS, PIERS,
BASINS, WRECKS & SALVAGE.**

BY WILLIAM JAY HASKETT,
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PROCTOR AND ADVOCATE IN ADMIRALTY.

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1845.

"Entered according to Act of Congress, in the Year 1845.

BY WM. JAY HASKETT,

*In the Clerk's Office of the District Court of the Southern District of
New York.*

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PREFACE.

THIS work is intended to present to masters and owners of vessels, frequenting the port of New York, an abstract of the law of the state, and of the Corporation ordinances, in relation to *vessels, wharves, piers, slips, basins, wrecks and salvage*. It contains, in some instances, the substance of the statutes; in others, the very language of the law, particularly the *penal clauses*, so that masters and owners may know their duties and rights, when they approach and lay at our wharves. This knowledge has now become of more importance than formerly, since the passage of the municipal police bill, as its officers are scattered over our wharves, and ready to enforce the *ordinances*, and punish those who violate them. It cannot be expected, nor is it pretended, that this book will answer every question which may arise between masters of vessels and the city authorities; but an attentive perusal will instruct them in those duties which the law requires of them, *when in port at the wharves*. This work was induced by the many questions presented by masters and owners for my professional advice, all of which were generally answered by turning to the statute law of the state, or the corporation ordinances. It is evident, that a perusal of the directory and penal clauses of the statutes and ordinances will save much time and expense, both in the fees of counsel and in the vexation of those suits which follow the violation of the laws.

WILLIAM JAY HASKETT,
ATTORNEY AND COUNSELLOR AT LAW,
PROCTOR AND ADVOCATE IN ADMIRALTY,

Gives his especial attention to all matters in the *Maritime Law*, in the preparing, in a legal manner, of bills of sale of vessels and the examination of their titles—to the hypothecation of vessels by mortgage, bottomry and respondentia bonds—to the collection of demands for freight—ship-wrights' and ship-chandlers' bills—and to the recovery of damages for injuries done to vessels by collision. Marine protests, in cases of partial or total loss, noted and extended, and the Insurance promptly recovered. Cases of salvage, general average and marine contribution legally adjusted and obtained, and all business entrusted to his care executed with promptness and fidelity.

OFFICE,

No. 15 Centre street, one door from Chamber street.

OFFICE HOURS FROM 9 TO 4 O'CLOCK.

AN ABSTRACT
OF THE
LAWS OF THE STATE, &c.

CHAPTER I.

POWER OF THE CORPORATION TO BUILD WHARVES, PIERS, SLIPS
AND BASINS.

THE act of the legislature of the State of New York, passed April 9, 1830, conferred upon the Common Council of the city of New York, the right to lay out "*wharves and slips*" whenever and wherever they shall deem expedient; and, if the property of an individual shall be required for that purpose, they are to open a negotiation for its purchase. If the owner refuses to negotiate, the Mayor, Recorder, or any two Aldermen may order the Sheriff to empanel a jury, who shall be sworn; and after viewing the premises and hearing testimony, shall award the owner a recompense for the damages sustained by him. The verdict of the jury shall be conclusive against the owner, and the corporation may proceed to use the ground for the above purposes.

The 2d section of this act confers the power to lay out regular streets, or *wharves*, of the width of seventy feet in front of those parts of the city which adjoin to the East and North Rivers; and, as the buildings of the city shall be extended, to lengthen and extend the *wharves* and streets.

The 3d section entitles the owners of *water lots* to the ground which shall be covered by the corporation in the construction of streets and *wharves*, if they shall pay the expense of their filling up: and the 4th section empowers the corporation to levy for the said expenses "by distress and sale of the goods and chattels of such proprietors, or the occupants

of said lots respectively," or to recover the same by an action in the Supreme Court, with costs of suit.

The 5th section creates a prior lien in favor of the corporation upon the lots so filled up, for the amount expended.

The 6th section empowers the corporation "*to direct piers to be sunk and completed,*" in front of said streets, or *wharves*, at the expense of the proprietors of the lots lying opposite them. If the proprietors refuse or neglect, according to the directions given, then the corporation may proceed to do the same, and receive, for its own use, the income and profits thereof; or they may grant the "right of making piers and bridges, and the right of receiving the profits thereof to any person or persons in fee, or otherwise, upon such terms as they shall think proper."

By the 7th Section, the Corporation may "*grant to the owners of lots, fronting on any of the said streets of seventy feet, their heirs and assigns, a common interest in the piers to be sunk in front of such streets in proportion to the breadth of their respective lots.*"

The 8th Section says, that covenants and grants shall remain in force notwithstanding this act"—meaning "*grants*" heretofore made by the Corporation to owners of lots.

The 9th Section says, "That no building of any kind or description whatsoever, other than the said piers and bridges, shall at, any time hereafter be erected upon the said streets, or wharves, or between them respectively and the river to which they respectively front and adjoin."

The 10th Section empowers the Corporation to sink *piers* between White Hall Slip, and the east side of Exchange Slip, so as to form a *basin*; and also to form other *basins* in other parts of the city, and to receive the *wharfage* of the same.—It is provided, however, in this section, "that nothing herein contained shall be construed to deprive any person or persons who have made *piers* by the direction of the Corporation, or to interfere with the legal rights, private property, or right or privilege held under former grants from the city authorities."

By the 11th Section, the Corporation are empowered "to reserve all the *wharves* from the east side of Cœnties Slip to

the west side of White Hall Slip, for the sole accommodation of *sloops*, and other *market vessels*, using the trade of the said City, from the 2d day of March, to the 2d day of December;” and that during that time, *no registered or sea vessel* “shall be suffered to use the *Slips* or *Wharves* within the above described limits without permission.”

By the 12th Section, the Corporation are empowered to enlarge any of the Slips in the City, “and, upon paying one-third of the expense of building the necessary piers and bridges, shall be entitled, not only to the *shipage* of that side of the said piers which shall be adjacent to such slips respectively, but also to one-half of the wharfage to arise from the outermost end of the said piers.”

By the 13th Section, it is provided—“That in all cases where any of the proprietors of lots lying opposite places or streets where *piers* shall have been, or may be, directed to be sunk, shall neglect or refuse to join with the other proprietors, or to pay their proportion of the expenses,” then the Corporation may join with the other proprietors “in making and finishing the said piers and bridges,” and “become entitled to the proportion of wharfage which the said proprietors so neglecting or refusing would have been entitled to.”

The 14th Section prescribes the mode of notice to owners; and states what shall be deemed a refusal to comply therewith.

The 15th section being a penal one, it is inserted verbatim.

§ 15. And be it further enacted, That if the master or owner of any ship or other vessel, shall cause to be discharged therefrom any ballast, consisting of earth, gravel, or stones, into any dock, or upon any wharf within the said city of New York, without the consent of the owner or wharfinger thereof, the master or owner of such ship or other vessel, shall, for every such offence, forfeit and pay to the owner of such dock or wharf, two dollars and fifty cents, to be recovered with costs of suit, before any court having cognizance thereof, in the name of the said owner or wharfinger, and if the master or owner of such ship or other vessel, having discharged any such ballast upon any wharf, without consent as aforesaid, and after notice for that purpose in writing, shall neglect or refuse to remove the same, he shall forfeit and pay for every day during such neglect or refusal, the same sum as by law shall be chargeable for the wharfage of such ship or ves-

sel: Provided however, that no agent or factor transacting business for any person residing out of or absent from this state, shall be liable to any penalty imposed by this section, unless an account be delivered to, and the money demanded of, such factor or agent, personally, or unless the said account be left on board such ship or vessel with the master, mate, or one of the hands, belonging to such ship or vessel.

§ 16. And be it further enacted, That if any person employed in repairing, sheathing or graving, any ship or other vessel, being in any dock within the city aforesaid, shall cause any timber or other thing whatsoever, tending to fill up or obstruct such dock, to be thrown into such dock, he shall, for every such offence, forfeit and pay to the owner or wharfinger of such dock, the sum of five dollars, to be recovered in manner aforesaid.

§ 17. And be it further enacted, That if any wharf in the said city shall be incumbered with lumber or other articles, so as to incommode the loading and unloading of vessels, or the passing and re-passing of carts, the owner or wharfinger thereof shall give personal notice, or notice in writing, to be left at the place of abode of the owner of such lumber or other articles, or his factor or agent, to remove the same in a reasonable time, and on neglect thereof, or if the owner of such articles, or his factor or agent cannot be found in the said city, and have no place of residence therein, the owner or wharfinger of such wharf may remove the same and keep them in custody till the charges of removal and storage of the articles removed be paid.

§ 18. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen and Commonalty in Common Council Convened, to make such by-laws and ordinances as they shall, from time to time, think proper for regulating the wharves, piers and slips in the said city.

CHAPTER II.

The Boundaries of the Corporation of the City of New York.

The Corporation of the City of New York exercises its municipal powers over the wharves, docks, slips, piers, and ferries, by virtue of its ancient charter, and by the various confirmatory statutes, passed by the Legislature of the State of New York.

The western boundary of the State was changed by the agreement made on the 16th day of September, 1833, between the Commissioners, appointed by the States of New York and New Jersey; and that agreement was duly ratified by the Legislature of the above States, and duly approved by Congress.

The present boundaries of the city, and over which the Corporation exercises its jurisdiction, are thus described in the 3d vol. Revised Statutes, page 2 :

“The county of New York shall contain the islands called Manhattan’s Island, Great Barn Island, Little Barn Island, Manning’s Island, Nutten Island, Bedlow’s Island, Bucking Island, and the Oyster Islands, and all the land under water within the following bounds : Beginning at Spytten Duyvel Creek, where the same empties itself into the Hudson River, on the Westchester side thereof, at low water mark, and running thence along the said creek, at low water mark, on the Westchester side thereof, to the East River or Sound ; then to cross over to Nassau, or Long Island, to low water mark there, including Great Barn Island, Little Barn Island, and Manning’s Island ; then along Nassau or Long Island shore, at low water mark, to the south side of the Redhook ; then across the North River, so as to include Nutten Island, Bedlow’s Island, Bucking Island, and the Oyster Islands, to the west bounds of the State ; then along the west bounds of the State, until it comes directly opposite to the first mentioned Creek, and then to the place where the said boundaries began.”

The words “the west bounds of the State,” demark the west boundary line of the city, and are thus described in article 1st. in “An act to confirm the agreement entered into by the Commissioners appointed by this State, and the Commissioners appointed by the State of New Jersey, to settle the Boundary Line between New York and New Jersey.—Passed February 5, 1834.”

“*Article First.*—The boundary line between the two states of New York and New Jersey, from a point in the middle of Hudson River, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked to the main sea, shall be the middle of the said river, of the bay of New York, of the waters between Staten Island and New Jersey, and of Raritan Bay to the main sea, except as hereinafter otherwise particularly mentioned.”

CHAPTER III.

ORDINANCES OF THE CORPORATION

Of the City of New York, on Wharves, Slips, Piers, etc.

By the 18th section of the act of April 9, 1813, and by the 1st section of the act of the 16th April, 1830, the legislature enlarged the powers of the Corporation by authorizing it "to make and pass such laws or ordinances, as to them, from time to time, shall seem fit ; to designate and appropriate such of the public wharves, piers and slips of the said city, as they may deem expedient, and such private wharves and piers in the said city as the owners thereof respectively may apply to have so designated or appropriated, for the exclusive use of steamboats, or of any other class or description of ships or vessels, and to restrain and prohibit any ship, steamboat, or any other vessel or water craft whatever, from coming into, or lying, mooring, or anchoring at or within any wharf, pier or slip of the said city, except such as may be so designated for their use respectively ; and to impose such penalties as they may think reasonable and proper, for the violation of such laws or ordinances."—*Laws of 1830, page 242.*

By the 274th section of the act of 1813 it was enacted, "that the ordinances of the Corporation should remain and continue in force for, and during the period of three years from the passage thereof, unless the same should be repealed, or enacted for a shorter period, and should always be renewable at the pleasure of the Common Council."

To give greater permanency to the ordinances, the Common Council petitioned, and the legislature enacted on the 6th of April, 1837, "that all the ordinances before that time passed by the Common Council and then in force, and all thereafter to be passed should remain and continue in force until the same should be repealed."

Accordingly the Common Council of the City of New York, induced by a desire to give permanency to the ordinances, passed a resolution on the 11th of July, 1837, "That a revision of the ordinances be made by Samuel W. Johnson, Esq., under the general supervision of the Committee on Laws of both Boards."

That portion of the city ordinances which relates to the subject before us, was presented by the reviser to the Common Council, and passed on the 9th of May, 1839.

Since that revision, the Common Council appointed David Graham, Esq., to revise the ordinances, and he has just completed it, in a very able and masterly manner. In this last revision very few alterations were made in the laws on the subject before us, and such as have been made, are set forth in this work.

CHAPTER III.

“Of the Superintendent of Wharves and Piers.”

§ 1. “There shall be appointed by the Common Council, a discreet and proper person, who shall be known as, and called the Superintendent of Wharves and Piers.”

Oath of office.

§ 2. The said Superintendent of Wharves and Piers shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform the duties of his office.

Bond.

§ 3. He shall also, before entering upon the duties of his office, give bonds, with sufficient sureties to be approved by the Finance Committee of both Boards, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

Salary.

§ 4. The said Superintendent of Wharves and Piers shall receive as a compensation for his services, an annual salary, in equal quarterly payments from the city treasury.

To inspect Wharves and Piers.

§ 5. It shall be the duty of the said Superintendent of Wharves and Piers, personally to inspect the condition of the public wharves and piers; to superintend the erection and repairing of the same; and to suggest and report to the Street Commissioner, such improvements and alterations from time to time, as may become necessary.

To examine bills for erecting Wharves, &c.

§ 6. He shall examine all bills for erecting and repairing the public wharves and piers, and if correct, approve of them in writing, and then submit the same to the Street Commissioner for his approval. He shall perform such other duties as the said Street Commissioner may require in relation to his department, and shall make a report to the Street Commissioner, of all alterations and repairs necessary to be made to the wharves, piers and bulkheads.

Filling and cleaning Slips.

§ 7. He shall attend to the filling up and cleaning out of all the slips and basins in the city, when ordered by the Common Council, and shall keep regular accounts of the time of the men employed and work done thereon.

Repairs.

§ 8. It shall also be his duty to report to the Street Commissioner all necessary alterations and repairs that may be required to any wharves or piers, and estimates of the expense thereof, who shall report the same to the Common Council, except in cases where the expenditure shall not exceed in amount five hundred dollars, in which cases the Street Commissioner may direct such repairs to be done by the Superintendent.

Subject to control of Street Commissioner.

§ 9. The said Superintendent shall, in all matters connected with his department, be under the control, supervision and direction of the Street Commissioner, who shall have the right of approving or disapproving all accounts certified as aforesaid, and by whom alone all accounts shall be paid; and in case of his disapproval, the Street Commissioner shall report the same to the Common Council.

*To execute all laws as to Wharves, &c.**Report to Attorney.*

§ 10. The said Superintendent of Wharves and Piers shall attend specially to the execution of all laws relating to the wharves and piers in the city of New York, and is hereby particularly enjoined to report to the Attorney of the Corporation, all offences against the same.

Construction of Wharves, &c.

§ 11. The surface of the blocks of all piers hereafter to be

built, as well as the bridges, shall be covered with four inch pine plank, and in repairing the piers already constructed, the surface of the blocks shall be covered in the same manner.

The Street Commissioner is empowered by 12th section of title 2, chapter 6, of the City Ordinances, to exercise the same authority in removing encumbrances from the streets, wharves, and piers, as the Alderman and Assistant of the Ward.

§ 12. "It shall be the duty of the said street Commissioner to attend to and direct the execution of such matters and things as are particularly committed to the Aldermen and Assistants of the respective Wards regarding streets; to direct the repairing of streets and walks; to order the removal of all timber, goods, and other things with which any of the streets, wharves or piers may be encumbered, under the like penalties as if directed by the Alderman or Assistant of the Ward."

Of Vessels, Wharves and Slips.

(Ordinance Passed May 8, 1839)

TITLE 1.

"Of Leasing the Public Docks."

§ 1. The several docks, wharves, piers and slips, belonging to the Corporation, shall, from time to time, be laid out into separate districts, in the most advantageous manner, by the Finance Committees of both Boards; and shall be annually leased, subject to the reservation or exception of small boats, contained and mentioned in the next section of this title; and also, subject to the usual covenants contained in the leases of the said public docks, wharves, piers and slips, and such other condition and stipulations as the said Finance Committees may deem expedient.

§ 2. The rates or fees of wharfage on vessels of not more than five tons burden, accruing in all or any of the docks, wharves, piers or slips within this city, which by law they may use, belonging to the Corporation, shall hereafter be separately leased, and be known as the Small Boat District; and the necessary reservation or exception of such small boats shall be made in the other leases of the docks and slips.

§ 3. It shall be the duty of the lessee or lessees of the public wharves, piers and slips, for the time being, to report to the Attorney of the Corporation the names of all persons who shall violate any of the provisions of this chapter."

TITLE 2.

"Of Dockmasters, and Laying of Vessels at the Wharves."

The four first sections of the 2d title of this ordinance were

virtually repealed by the 1st section of the "Act for the establishment and regulation of the Police of the City of New York," passed May 7, 1844. This act leaves the execution of the duties of Dockmasters to be performed by the Captains of the new Municipal Police. When any matter arises, which was formerly the duty of the Dockmaster to attend to, the Master of the vessel should go to the Captain of the Police of the district in which the vessel lies.

Superintendent of Streets to remove Vessels from berths of Manure Boats.

§ 5. "The Superintendent of streets of the city of New York, shall, and may, order any vessel, steam boat or small craft to remove from the berths assigned and reserved for the manure boats in the public slips; and any person who has the charge of any vessel, steam boat or small craft, who shall neglect or refuse to obey the order of the said Superintendent in the premises, shall forfeit and pay for every such offence, the sum of fifty dollars.

Sea Vessels and Coasters over 150 tons.

§ 6. "If any description of sea vessel shall come into or lay at or within any of the said docks, wharves, piers or slips, or if any coasting vessel above the burden of one hundred and fifty tons, shall come into or lay within the same, excepting the Old and Coffee-House Slips, unless by special permission in writing, obtained therefor from the Mayor, Recorder, or either of the Aldermen or Assistants of the said city, or from a Dockmaster appointed for any of the purposes mentioned in this title agreeably to the provisions of this title, the owner, master or person having charge of the same, shall forfeit and pay for every such offence the sum of ten dollars, and the additional sum of ten dollars for every twenty-four hours any such vessel shall lay at or within the same.

Coasters above 100 tons.

§ 7. "If any coasting vessel above the burden of one hundred tons, shall come into or lay at or within any of the public docks, wharves, piers or slips, situate on the East River, excepting the Old and Coffee-House Slips, unless by special permission in writing obtained therefor, from the Mayor, Recorder, or either of the Aldermen or Assistant Aldermen of the said city, or from a Lockmaster appointed pursuant to the provisions of this title, the owners, master, or person having charge of the same, shall forfeit and pay for every such offence

the sum of ten dollars for every twenty-four hours any such vessel shall lay at or within the same.

Coasters of this State and Navigating the Hudson.

§ 8. "The last preceding section of this title shall not be construed to prevent all or any coasting vessel, belonging to this State and navigating the Hudson River, from coming into and laying at and within any of the public wharves, docks, piers and slips of this city, in like manner as if they were under the burden of one hundred tons.

Steamboats.

§ 9. "If any steam boat, safety barge, tow boat or freight boat, connected with any steam boat establishment, shall come into or lay at or within any of the public docks, wharves, piers or slips aforesaid, or shall occupy the water belonging to any such public dock, wharf, pier or slip, unless by special permission in writing obtained therefor from the Mayor, Recorder, or either of the Aldermen or Assistant Aldermen of the said city, or from a Dockmaster appointed pursuant to the provisions of this title, the owners or owner, master, agent or person having charge of the same, shall forfeit and pay for every such offence, the sum of twenty-five dollars, and the additional sum of twenty-five dollars for every twenty-four hours any such vessel shall lay at or within the same.

Slips Appropriated for Steamboats.

§ 10 "The private wharves and piers fronting on and adjacent to the slip laying between the foot of Courtlandt street and the foot of Liberty street, on the North River, are hereby designated and appropriated for the exclusive use of steam boats.

Penalty for not removing Vessels as directed.

§ 11. "If the master, owner, or person having charge of any vessel or small craft, which shall lay in any of the aforesaid public slips, shall not remove the same out of such slip, or from one part of such slip to another part thereof, as may be directed, by the expiration of the time within which he or any seaman, mariner or person employed on board, may be so ordered to remove such vessel or small craft, either by the Mayor, Recorder, or either of the Aldermen or Assistants of the said city, or Dockmasters mentioned in this title, every such owner or master of such vessel or small craft, shall respectively, forfeit and pay for every such offence, the sum of twenty-five dollars.

Who to direct the Laying of Vessels.

§ 12. "Either of the persons mentioned in the preceding

sections of this title, may give such order and direction from time to time, to the owner, master or person having charge of any sloop, boat or other vessel whatsoever, laying at or within any of the said public wharves, docks, piers or slips, or to any seaman, mariner or person employed on board, as they shall respectively think just and proper, touching the laying, fastening and berth of any such sloop, boat or other vessel whatsoever.

Penalty for Disobeying such Orders.

§ 13. "For every neglect or refusal to comply with any such order and direction, mentioned in the last preceding section of this title, the owner, master or person having charge of any such sloop, boat or other vessel, shall forfeit and pay the sum of twenty-five dollars.

None but Ferry Boats to come into Ferry Slips.

§ 14 "If any boat or vessel of any description whatsoever, excepting ferry boats, shall come into and lay in any slip used and appropriated for a ferry, without permission of the Mayor, Recorder, one of the Aldermen, or one of the Assistants of the said city; or shall lay at any dock or wharf, so as to incommode the going into or coming out, or the turning of any ferry boat; or if any vessel in hauling up or dropping down before either of the slips in which any ferry is kept, shall not drop its fast or anchor on the approach of any ferry boat, so as not to incommode or obstruct the same, the master, owner or person having charge of such boat or other vessel, shall forfeit and pay for every such offence, the sum of ten dollars.

Vessels not to Anchor in East River within line of Ferry.

§ 15. "No ship or other vessel shall lay at anchor in the East River, within the distance of sixty yards from a direct line between the landing places of either of the public ferries across the said river, under the penalty of twenty-five dollars for each offence, to be paid by the master, owner or other person having charge of such ship or vessel.

Spring Street Slip for Market and Small Boats.

§ 16. "No person shall bring any vessel or vessels whatsoever, excepting market-boats and other small boats, within the slip belonging to the Corporation at the foot of Spring street, under the penalty of five dollars for every such offence, to be paid by the owner or owners, master, or person having charge thereof.

Vessels of New Jersey, Connecticut, or New York.

§ 17. "If any vessel, excepting such as shall belong solely

to persons residing in the States of New Jersey, Connecticut and New York, or either of those States, and trading to and from either of the said States and this city, shall be brought into or shall lay at or within Peck Slip, the owner, master or person having charge of any such vessel, shall forfeit and pay for every such offence, the sum of ten dollars.

Coenties Slip.

§ 18. "If any vessel or small craft, shall be brought into or shall lay at or within Coenties slip, the owner, master or person having charge of any such vessel or small craft, shall forfeit and pay for every such offence, the sum of twenty-five dollars, and the further sum of ten dollars for every twenty-four hours the same shall lay at or within the said slip.

§ 19. "The last preceding section of this title shall not be construed to apply to vessels or small craft belonging solely to persons residing either in the States of New York, New Jersey or Connecticut, and which trade to and from either of the said States and this city.

Vessels not come into Fulton Market Slip.

§ 20. "No person shall bring any vessel or vessels whatever, excepting market-boats, pettiaugers, canoes or small craft, within the bulkhead and piers of the Corporation slip in front of Fulton market, under the penalty of ten dollars for each offence, to be recovered from the owner or owners, or person or persons having charge thereof, severally and respectively.

Small Craft to have Owners' Names thereon.

§ 21. "All market-boats, pettiaugers and canoes, or other small craft of not more than the burden of five tons, coming to the bulkhead and piers mentioned in the last preceding section, shall have the owner's name painted at full length, in legible letters, in a conspicuous place on the inside of the stern, under the penalty of ten dollars, to be paid by the owner, master or person having charge of the same, severally and respectively.

§ 22. "All market-boats, pettiaugers and canoes, of not more than the burden of five tons, coming to any of the said public docks, wharves, piers or slips, shall have the owner or owners' name or names, painted at full length, in legible letters, on the inside of the stern, under the penalty of ten dollars for each offence, to be paid by the owner, master or person having charge of the same.

TITLE III.

Of the Rates of Wharfage.

§ 1. "The master, owner or person having charge of any ship or vessel, or small craft whatever, using or coming to lay with such ships or vessels, at or within any of the docks, wharves, piers or slips within the City of New York belonging to the said Corporation, if such vessel be of not more than five tons burden, shall pay to the lessee for the time being of the small boat district, the like rate or fees of wharfage for so laying or using, as now are, or hereafter may be, established and allowed by the Legislature of the people of the State of New York* to be taken and received by the proprietors of private wharves in the said city.

Rates where Tonnage is over Five Tons.

§ 2. "If any such vessel, as mentioned in the first section of this title, be of more than five tons burden, such owner or person having charge thereof, shall pay to the lessee or lessees for the time being, of the dock, wharf, pier or slip, at or within which such slip or vessel shall lay, the like rates or fees of wharfage, as now are, or hereafter may be established and allowed by the Legislature of the State of New York, to be taken and received by the proprietors of private wharves in the said city

Commutation for Wharfage of Vessels not exceeding Five Tons.

§ 3. "The preceding sections of this title shall be so construed, that for all vessels of not more than five tons burden, there may be paid as aforesaid, in case the owner or master shall elect so to do on their coming to lay at any of the said docks, wharves, piers or slips after the first day of May inclusive in every year, the sum of two dollars and fifty cents, for the use of all the Corporation docks, wharves, piers and slips, within the said city, which by law they may use, for the year ending on the last day of April ensuing; which sum shall be paid to the lessee of the small boat district, and shall exonerate such vessel from all other fees of wharfage for the year then current.

Vessels exceeding Five and not exceeding Twenty Tons.

§ 4. "The preceding sections of this title shall also be so construed, that for all vessels of more than five tons burden, and under twenty tons burden, there shall be paid only thirty cents per day, subject to abatement or half wharfage, according to the provisions of the laws of this state, when not having dock berths.

* See subsequent chapter on "Wharfage."

Commutation for Residue of Year.

§ 5. " If the master, owner or person having charge of any such ship or vessel, coming to lay with such ship or vessel at or within any of the said docks, wharves, piers or slips on or after the first day of May as mentioned in the third section of this title, shall elect to pay to the lessee for the time being, of the district in which such dock, wharf, pier or slip is situate, at and after the rate and in the manner mentioned in the next succeeding section of this title, such ship or vessel shall be exonerated from any other or further payment in said district, for the residue of such year.

Rates during Different Periods of the Year.

§ 6. " The following are the rates of wharfage mentioned in the last preceding section of this title, to wit:

1. " Between the first day of May and the last day of July inclusive, sixty cents per ton.
2. " Between the first day of August and the last day of October inclusive, forty-five cents per ton.
3. " Between the first day of November and the last day of January inclusive, thirty cents per ton.
4. " Between the first day of February and the last day of April inclusive, fifteen cents per ton.

When Vessels Paying by the Year shall pay Daily Wharfage.

§ 7. " The two last preceding sections of this title shall be so construed, that in case any ship or vessel shall remain in any of the public slips more than fifteen successive days, such ship or vessel shall be subject to daily wharfage thereafter until such ship or vessel shall depart from such slip, notwithstanding such ship or vessel shall have elected to pay wharfage by the year.

When Half Wharfage to be Paid.

§ 8. " Notwithstanding any thing herein contained, any vessel paying daily wharfage, entitled to lay within or at any of the said docks, wharves, piers or slips, and which shall be laid up and out of employ with their cargoes landed and sails unbent, between the tenth day of December and the tenth day of March inclusive in any year, shall be subject for the time during which said vessel shall be so laid up, to the payment of a sum or sums not exceeding one half of the wharfage which they are subject to pay when in active employment; but such vessels shall be liable to be ordered to be removed, agreeably to the provisions of the second title of this chapter.

Owner or Master to elect whether to pay Yearly or by the Day.

§ 9. " The owner, master or person having charge of any

ship or vessel, coming to lay with any such ship or vessel, at or within any of the docks, wharves, piers or slips within this city belonging to the Corporation, on or after the first day of May in any year, shall not be exonerated from the payment of the daily rates or fees of wharfage allowed by the laws of this state, unless the said persons, or some or one of them shall, upon such vessel first coming in, and such person or persons being called on by the lessee or his agent for that purpose, forthwith elect to pay to the lessee of the district in which such dock, wharf, pier or slip is situated, the yearly or periodical rates or fees of wharfage allowed by the fifth and sixth sections of this title.

TITLE IV.

Of Encumbering the Slips.

§ 1. " It shall not be lawful for the owner or master, or person having charge of any vessel that shall be out of employ, to lay up the same at any of the public docks, wharves, piers or slips, between Stanton slip and Whitehall slip, except with the written consent of the Alderman and Assistant of the ward, in which such dock, wharf, pier or slip shall be situated.

Careening Vessels.

§ 2. " No person shall careen or cause to be careened, any vessel at or within any of the public docks, wharves, piers, quays or slips, under the penalty of ten dollars for every day for which such vessel shall continue to be careened, to be paid by the owner or owners, master, or person having charge of such vessel, severally and respectively.

Wrecks.

§ 3. " No person shall bring into any of the said public docks or slips, nor make nor leave there, the wreck of any ship or vessel, whereby such dock or slip may be incommoded, or the entrance or departure of any vessel or small craft in anywise obstructed, under the penalty of twenty-five dollars for every such offence ; and the further penalty of ten dollars for every day, or part of a day, the wreck of such ship or vessel shall so continue or remain in any such dock or slip.

Anchors, &c.

§ 4. " No person shall cast any anchor, grappling, or killick into or near any of the docks, wharves, piers, quays or slips of the said city ; or shall place any cable, rope, chain, or line across the entrance of any slip ; or shall permit or cause any vessel to lay at the end of or within any pier, with the jibboom rigged out ; or shall take away any stones, earth, tim-

ber, or ballast, belonging to any dock, wharf, pier or slip, from any of the same, under the penalty of ten dollars for every such offence.

Encumbering or Obstructing Docks, &c.

§ 5 " No person shall throw any stones, earth, timber, ballast, shells, ashes or other dirt or rubbish whatsoever into, or bring any masts, yards, spars or other kinds of timber, or stages or platforms for working on, within any of the docks, wharves, piers, quays or slips in the said City, under the penalty of ten dollars for every such offence; and the additional penalty of five dollars for every day or part of a day, such masts, yards and spars, or other kind of timber, or stages or platforms for working on, shall remain in any of the said docks, wharves, piers, quays or slips.

Throwing Shells, Ashes, Stones, &c., into Slips.

§ 6. " It any shells, ashes, stones, or dirt whatsoever, shall be thrown from any vessel into any of the slips or docks aforesaid, the person throwing the same, and the master, owner or possessor of such vessel, shall forfeit and pay for every such offence, the sum of five dollars.

§ 7. " No Steamboat, small boat, or other craft, shall at any time lay alongside of the Battery wall, for the purpose of landing or receiving passengers or freight, and the proprietor or proprietors, or persons having charge of any such Steamboat, small boat, or other craft, which shall land or receive any passengers or freight at the said Battery wall, shall be fined fifty dollars for each offence."*

TITLE V.

Of the Ringing of Boat Bells.

§ 1. " No bell on board of, or near any boat or vessel, or ferryboat, at any of the wharves, piers or slips in the City of New York, shall be rung before sunrise in the morning, on any pretence whatever; nor shall such bell be rung or tolled at any other times, or for any greater length of time than is herein expressed, under the penalty of twenty-five dollars, to be paid by the master, owner, agent or person or persons having charge of such bell or vessel, and the person ringing or tolling the same, severally and respectively.

Times for Ringing Prescribed.

1. " All such bells may be rung or tolled at the time of starting one minute, and no longer.

2. " They may also ring at or within a quarter of an hour before starting, on each trip, for the space of two minutes.

* This last section was added by resolution of 7th Sept. 1842.

Blowing of Horns, &c. Prohibited.

§ 2. "No horn, trumpet or other instrument shall be blown or used in any of the streets, wharves, slips or piers in the City of New York, under the penalty of ten dollars for each offence.

Exception.

§ 3. "The last preceding section of this title shall not be construed to prevent the playing of any band of music, or any single instrument, on board of any vessel at or near any wharf or pier.

Penalty for Soliciting Passengers for Steamboats, &c.

§ 4. "No person shall solicit or request any person or persons in the public streets, or on any wharf or pier in the City of New York, to go on board of, or take passage in, any steamboat or vessel, under the penalty of five dollars for each offence."

TITLE VI.

*Of the Lumber Dock, and Rates to be Charged thereat.
Superintendent.*

§ 1. "There shall be appointed by the Common Council, a suitable person, to be called "The Superintendent of the Public Lumber Dock," whose duty it shall be, to take the charge and superintendence of the Lumber Dock; to direct the mode of occupying the same; and collect the fees or charges therefor, as hereinafter established, and pay over the same to the Chamberlain of the City.

Oath and Bond.

§ 2. "Such Superintendent shall take an oath, faithfully to perform the duties of his office; and before entering upon the duties of his office, shall execute a bond with two or more sureties, in the penal sum of five thousand dollars, conditioned for the faithful discharge of such duties.

Salary.

§ 3. "He shall receive an annual salary of seven hundred and fifty dollars, payable quarterly, for his services; and shall hold his office during the pleasure of the Common Council.

Reports.

§ 4. "He shall, on the first Monday of every month, render to the Comptroller a full and particular statement of all monies received by him as such officer, verified by oath, stating the names of the persons from whom such monies were received; the date, the amount and the quality of timber or logs on which the same was charged; and shall, once in each year, on

the first Monday of January, and oftener if required, furnish a statement to the Common Council, of the whole quantity of timber, logs, spars, and other articles which shall have been brought into the said Lumber Dock during the preceding year; and also the amount remaining therein at the time of making such report.

Register.

§ 5. "He shall also keep a book, in which shall be entered the names of all persons bringing timber to the said Lumber Dock; specifying therein the dates, quantity and prices charged therefor, and when the same shall be taken away.

Not to Deal in Lumber.

§ 6. "The said Superintendent shall not, in any manner or way whatever, either directly or indirectly, be concerned in the purchase or sale of any timber or lumber whatever, either in the said dock, or to be brought therein; and in case of any breach of the provisions of this section, he shall forfeit his office and shall not afterwards be eligible thereto.

Rates of Dockage.

§ 7. "The following rates shall be fixed and collected by the Superintendent, on all the articles hereafter mentioned, for admission and storage within the Lumber Dock, viz:

"On all squared oak timber, three-eighths of one cent for admission, and one and a half cent per year for every cubic foot.

"On all squared pine or other timber, except oak, one quarter of one cent for admission, and one cent per year for every cubic foot.

"On all dock or pump logs, four cents admission, and sixteen cents per year for each piece.

"On all spars or masts, not over fifty feet in length, twenty-five cents each for admission, and one dollar per year for each piece.

"On all spars or masts over fifty feet in length and not exceeding eighty feet, fifty cents each for admission, and two dollars per year for each piece.

"On all spars or masts eighty feet or upwards in length, seventy-five cents each for admission, and three dollars per year for each piece.

"On all plank and other sawed lumber, four cents admission, and sixteen cents per year for every thousand feet.

"Such charges for admission shall be paid whenever the articles shall be placed within the dock, and be deducted from the payment for rent when the lumber is taken out of the dock; the rent shall be paid quarterly; and whenever any

timber or other articles shall not be kept within the dock for the period of three months from the time of admission therein, the charge thereon shall be the same as if such timber or other articles had remained therein for the period of three months, and so for every three months thereafter. Any expenses which may be incurred by reason of the removal of any timber or spars, within the basin, by the direction of the Superintendent, shall be chargeable to the owner or owners of such timber, and paid by him or them, in the same manner as the other charges under this law.

Wharves around the Lumber Dock, etc. to be Leased.

§ 8. "The Comptroller shall lease at public auction, under the direction of the Finance Committees of both Boards, such portion of the wharves and piers around the Lumber Dock, as may not be required for the use of the dock; and may grant the privilege of piling lumber thereon, until the first day of May next; and shall lease the same annually thereafter, at the same time and in the same manner as the other wharves are leased by him.

When Fees to be Paid.

§ 9. "It shall be the duty of the Superintendent not to permit any timber or other articles within said Lumber Dock to be removed therefrom, until all charges thereon are first paid.

Account Books.

§ 10. "The Comptroller shall furnish the Superintendent with a suitable book for the purpose of keeping all accounts therein, which shall be handed over to his successor in office, from time to time."

BALLAST MASTERS.

(Passed May 14, 1839.)

TITLE I.

Of the Appointment of Ballast Masters.

§ 1. "Two suitable persons shall be appointed by the Common Council, who shall be known as, and called the ballast masters of the port of New York"

§ 2. "The said ballast masters shall keep an office or offices in some central and convenient place or places in the city of New York, where they or one of them shall attend, and where orders may be left by all persons concerned in the buying or selling of ballast, which office or offices shall be kept open from sunrise until sunset every day throughout the year, Sundays excepted."

§ 3. "In case of the sickness or absence of the said ballast

masters, the Mayor of the city of New York shall appoint other fit and proper persons in their stead, during the sickness, absence, or other inability of the said ballast masters."

TITLE II.

Of the Powers and Duties of the Ballast Masters.

§ 1. "No stone or shingle, or other kind of ballast shall hereafter be purchased or sold within the city of New York, nor shall any stone or shingle, or other kind of ballast, be put on board of any ship or vessel within the said city, unless the weight thereof shall have been ascertained and certified in writing, by the ballast masters, or one of them, under the penalty of one dollar for every ton weight thereof; to be sued for and recovered from the seller or purchaser, or person receiving the same, severally and respectively."

§ 2. "No person shall weigh or ascertain the weight of any ballast sold within the city of New York, or brought to the city to be delivered, in pursuance of a sale elsewhere, except the ballast masters, or one of them, of the port of New-York, under a penalty of twenty-five dollars for every such offence.

§ 3. "For all ballast, of whatever kind or description, the weight of which shall be ascertained and certified in writing by the said ballast masters, or one of them, as provided in the first section of title second of this chapter, they or he shall be entitled to demand and receive of the purchaser thereof, the sum of five cents per ton, and of the seller thereof the sum of three cents per ton."

CHARCOAL VESSELS.

§ 3. "No person shall unload, vend or expose for sale any charcoal, at either of the slips in front of any of the public markets of the said city, under the penalty of ten dollars for every such offence."

WOOD VESSELS.

§ 1. "No firewood brought to this city for sale, shall be landed on any of the docks, wharves or piers of this city, until the same shall have been sold; and all firewood so sold and landed shall be immediately carried away, under the penalty of one dollar for every load which may be so landed before sale or not taken away when sold."

LIME VESSELS.

(Passed May 8, 1839)

TITLE I.

§ 3. "The same Inspector shall inspect and measure *the whole of every vessel load* of slacked or unslacked lime, brought to be sold in the city of New York, of which he measures or

inspects any part, unless prevented by sickness or other disability, in which case he may name another Inspector to finish the said vessel load."

TITLE II.

General Provisions.

§ 2. "No person shall *sell or deliver from any vessel*, or shall cart or receive any quick or unslacked lime in casks which is not inspected and branded as aforesaid, whether said lime be merchantable or not, under a penalty of ten dollars for every load, parcel or part of a load so sold, delivered or carted, transported or received, within the city of New York."

§ 4. "No person shall *sell or deliver from any vessel*, or shall transport or receive any slacked lime, whether merchantable or not, without being inspected and measured as aforesaid, under the penalty of ten dollars for every load, or part of a load so sold and delivered, or carted, transported or received within the city of New York."

§ 7. "*No sloop or other vessel*, which shall bring any slacked or unslacked lime to this city for sale, shall be permitted to lay in any of the public slips, or at any of the public wharves in this city, while she has lime on board, except as hereafter provided, under the penalty of fifty dollars for each offence."

§ 8. "The last preceding section of this title shall not be construed to prevent the *laying of vessels* having lime on board, at the public wharves and in the slips, while discharging cargo, or during the period the lime is bona fide for sale, and the person having charge of *said vessel* and lime is ready and willing to sell and deliver the same."

HAY VESSELS.

Basin for Hay Boats.

§ 23. "The basin or slip fronting to West street, on the Hudson River, and laying between Amos street and Charles street, is hereby appropriated and set apart exclusively for the use of boats bringing hay to the city."

Vessels with Loose Hay.

(Passed August 12, 1842.)

§ 1. "That the pier at the foot of Charles street, with one half of the bulkhead south of said pier be, and is hereby appropriated for vessels laden with loose hay for sale, to the exclusion of all other vessels."

(Passed May 8, 1839)

§ 18. "*The boats* employed in bringing loose hay or straw to this city for sale, shall have the privilege, in preference to

all other vessels, of occupying the whole of Gouverneur's Slip on the East River, and the basin at the foot of Amos-street on the North River; and no persons having the charge of any other boat or vessel, as master, owner or otherwise, shall interfere with boats employed in bringing hay to the said places, or prevent their approach thereto, under the penalty of ten dollars for every such offence."

Incumbrances of Wharves.

§ 1. "No person or persons shall unload, land or discharge, or cause or permit to be unloaded, landed or discharged, from any vessel, boat or water craft whatsoever, or shall, in any manner deposit, or cause or permit to be deposited, any block, piece or quantity of marble, granite or other stone, or of iron, lead, timber or any other substance, exceeding one ton weight, at or upon any part of the wharf or pier through which the sewer runs, leading from Canal-street into the Hudson River, or at the foot of Clarkson-street, where the Minetto sewer empties into the said river; or at or upon any other wharf, pier or street, through which any other public sewer of this city may run or empty into the North or East River, under the penalty of fifty dollars for every such offence."

CHAPTER V.

HARBOR MASTERS.

The Legislature of the State of New York by an act, passed February 19, 1819, authorized the "Governor and Council of Appointment" to appoint two persons to perform the duties of harbor master of the city of New York. By the Revised Statutes, vol. 1, pages 89 and 105, the number was increased to three, and they are appointed by the Governor and Senate. By a subsequent statute passed May 14, 1840, the number was increased to four. The city at present is divided into four districts; and for the convenience of the public the harbor masters keep a general office at the store of Messrs. E. & G. W. BLUNT'S NAUTICAL STORE, No. 179 Water-street, corner of Burling Slip.

The following are the names and residences of the harbor masters, and the bounds of the several districts.

DISTRICT I.

Charles Mills, resides at 27 Oliver-street, whose district extends from west side Burling Slip, up the East River, to the extent of the port. A slate kept at Williams & Hinman's 169 South street, near Dover.

DISTRICT II.

Abraham Turnure, 73 Henry-street, whose district extends from west side Burling Slip to east side of (pier 14) Jones' Wharf. A slate kept at E. & G. W. Blunt's, 179 Water-street, corner of Burling Slip.

DISTRICT III.

J. Dayton Wilson, 6 Burton-street, whose district extends from the west side of (pier 14) Jones' Wharf, to Coenties Slip, pier 8. A slate kept at Stiles', corner of Old Slip, and at 39 South street.

DISTRICT IV.

James B. Nicholson, 68 West street, whose district extends from Coenties Slip (pier 8) round the Battery and up the North River, a slate kept at Secor and Livingston's, 68 West street.

☞ In case of the sickness, or absence from the city, of any of the Harbor Masters, either of them will attend his district.

Harbor Master's Regulations.

The Harbor Masters of this port have prescribed the following regulations, and in all cases a strict observance of them is rigidly enforced. They are generally retired sea Captains, men of respectability and worth, and, thoroughly understanding the duties and power of their office, rarely exercise their authority, unless the public good demands it. It is the duty of masters and owners to obey their commands, and much trouble might be avoided if they were more frequently consulted.

ARTICLE I.

No vessel shall be moored in the stream in the East River nearer than three hundred yards from the docks of the city of New York, from the first day of May to the first of October. All vessels having on board gunpowder, shall moor or anchor near Buttermilk Channel, and shall hoist, and keep a red flag hoisted, at the foretop-gallant mast-head during the time they are discharging or receiving. [This regulation is considered very important, to guard steamboats from a too near approach to vessels discharging or receiving.] Nor shall any vessel lie at single anchor within that distance more than twenty-four hours. No vessel shall be moored in the North River nearer than three hundred yards from the wharf; nor any vessel lie at single anchor within that distance more than twenty-four hours.

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ARTICLE II.

Agreeably to the statute of the state of New York, all vessels lying in the North or East River, are requested to hoist a lantern with a light in the rigging, in some conspicuous place, under the penalty of said statute, which makes all vessels liable for damages by a non-compliance.

Section 12, Title 10, Chap. 20, First Part Revised Statutes.

[The provisions of this section will be found highly important to masters and owners of vessels navigating the harbor of New York.]

“Whenever any vessel navigating that part of the Hudson River which is north of the Battery, at the southern extremity of New York, or navigating Lake Champlain, shall be at anchor in the night time, the master of such vessel shall cause her peak to be lowered, and shall cause a good and sufficient light to be shown in some part of her rigging at least twenty feet above her deck, and from her taffrail, under the penalty of fifty dollars, to be sued for and recovered against the master of such vessel, by the overseers of the poor of the city or town in which the offence shall have been committed. And in case such penalty cannot be collected from the master, the owners of such vessel shall be liable therefor, as provided in the preceding tenth section, (viz., Sec. 10,) ‘jointly and severally, in the same manner as if they were sureties of such master.’”

By the law of April 29, 1829, (vide page 456,) “the provisions of the above 12th section are extended to the harbor of New York, embracing the bay as far as the village of Castleton, on Staten Island; and thence up the East River as far as the south point of Blackwell’s Island.” And the section thus amended and extended took effect on the 1st of May, 1829.

ARTICLE III.

Vessels lying at the wharves or piers, or in the basins or slips, shall, unless otherwise directed, lie with their heads up the docks; those on the east side of the docks to have their yards topped by their larboard lifts; and those on the west side topped by their starboard lifts: to be regulated agreeably to the cut in the margin, and not be changed without special permission of the harbor master or harbor masters, except to paint or bend sails. The moveable fore and aft spars and spritsail yards rigged in; stern davits, quarter davits, bumpkins, and martingales unshipped. Those on the east side of the docks shall have the crown of their starboard anchor taken in on the forecastle, and their larboard cable bent and clear. Those on the west side of the docks to have the palms of their

larboard anchor taken in on the fore-castle, and to have the starboard cable bent and clear.

Those in the North River, lying on the south side of the docks, to have their yards topped by their larboard lifts; and those on the north with their starboard lifts; those lying on the south side to have the palm of the starboard anchor taken in on the fore-castle, and larboard cable bent and clear; those on the north to have their larboard anchor taken on the fore-castle, and the starboard cable bent and clear. Any vessel wanting a berth, will apply at the office, or sub-office, or to the harbor master of the district in which he may wish a berth, stating where the vessel lies; nor shall any vessel exchange or bargain berths, except by the permission of the harbor master or harbor masters.

ARTICLE IV.

All vessels at the end of the wharves or piers shall haul either way, to accommodate the vessels going in or coming out.

ARTICLE V.

All vessels not discharging or receiving cargoes, shall make room for vessels needing immediate accommodation; vessels wishing to discharge, to have the preference of berth to those loading. Vessels returning, or putting into port in distress, always to be first accommodated. As to the fact of vessels being *bona fide* employed in these particulars, the harbor master is sole judge. (*See sec. 3.*)

ARTICLE VI.

All vessels shall have on board a ship-keeper, or person to take care of them; and if any vessel shall be required to remove, and no person be found on board for that purpose, the harbor master will cause the same to be removed, at the expense of the master, owner, or consignee, who shall also be liable for all damage occasioned by such vessel.

ARTICLE VII.

No vessel shall be moored or fastened in such place or manner as shall in anywise obstruct or interfere with the steam or team ferry-boats at any ferry of this city.

ARTICLE VIII.

No ballast shall be thrown overboard, on this side of Sandy Hook, below low water mark; and in the harbor all ballast must be landed above high water mark—to have a tarpaulin between the vessel and the dock, to prevent ballast falling in the water.

ARTICLE IX.

No person shall encumber any of the wharves, piers, or docks with spars, boats, goods, or other things.

ARTICLE X.

No pitch, tar, or other combustibles shall be heated on board of any vessel at any of the wharves, piers, slips, or basins of this city; but all such business shall be done on floating stages or boats, or on the wharves, at least six feet from the edge of the wharf, and with a bucket of water always ready.

ARTICLE XI.

No vessel shall be permitted to hoist a stern-boat, quarter-boat, or boat under the bowsprit.

All persons failing to comply with the foregoing regulations are liable to a penalty of fifty dollars for each offence, and for all damages, with costs of suit.

The following section of the act passed February 19, 1839, will clearly exhibit the duty, authority and emoluments of their office:

§ 3. *And be it further enacted*, That the said Harbor Masters shall have authority to regulate and station all ships and vessels in the stream of the East and North Rivers, within the limits of the city of New York, and the wharves thereof, and to remove, from time to time, such ships or vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging theirs; and as to the fact of their being fairly and *bona fide* employed in receiving and discharging their cargoes, the said Harbor Masters, or either of them, is hereby constituted the sole judge. And further, the said Harbor Masters, or either of them, shall have authority to determine how far, and in what instances, it is the duty of the masters and others having charge of ships or vessels, to accommodate each other in their respective situations; and if any master or other person having charge of any ship or vessel, shall refuse or neglect to obey the directions of the said Harbor Masters, or either of them, in matters within their authority to direct; or if any person shall resist or oppose the said Harbor Masters, or either of them, in the execution of the duties of their office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, with costs of suit, in the name of the Treasurer of the Hospital of the said city, before any court having cognizance thereof; all of which fines,

when collected, shall be paid to the said Treasurer for the use of said Hospital.

§ 4. *And be it further enacted*, That the said Harbor Masters shall have power to demand and receive from the commanders, owners, and consignees, or either of them, on all ships or vessels of the United States, and on all ships or vessels of any foreign nation that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, and which shall enter the said Port of New York, and load or unload, or make fast to any wharf therein, one and a half cent per ton, to be computed from the tonnage expressed in the register or enrolment of such ships or vessels respectively, and no more : and also, on all other foreign ships or vessels which shall arrive at, and enter, the said Port, and load, unload, or make fast to any wharf therein, double the amount of fees above specified, according to the rate of tonnage or burthen of said ships respectively, to be ascertained by their respective registers or other documents on board the same ; Provided, nevertheless, that nothing whatsoever shall be demanded by the said Harbor Masters for the entrance into the Port of New York of any sloop or schooner employed in the coasting trade within the United States, unless upon the application of the master or person having charge of any such vessel employed in the coasting trade as aforesaid, the said Harbor Masters, or either of them, shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel, which differences said Harbor Masters, or either of them, are hereby authorized and required to hear and determine ; in which case the said Harbor Masters, or either of them, may demand and receive from the party in default in the premises the sum of two dollars, and no more, for every difference so by him adjusted ; to be sued for and recovered, in the names and for the use of the said Harbor Masters, in any court having cognizance thereof.

§ 5. *And be it further enacted*, That the master, owner, or consignee of any ship or vessel subject to the payment of fees to the Harbor Master as aforesaid, shall, within forty eight hours after the arrival of such ship or vessel, pay the fees so due thereon, at the office of the said Harbor Masters, or one of them ; and in default of such payment, if the same have been first duly demanded, such master, owner, or consignee, on whom such demand shall have been previously made, shall forfeit and pay double the amount of such fees, to be sued for and recovered, in the names and for the use of the said Harbor Masters, in any court having cognizance therefor.

§ 6. *And be it further enacted*, That it shall be the duty of

the said Harbor Masters to superintend and enforce the execution of all laws of this state, and by-laws of the Corporation of the city of New York, for cleaning the docks and wharves, and for preventing and removing all nuisances in or upon them, or either of them; and if the person or persons whose duty it shall be to remove such nuisance, shall refuse or neglect to remove the same, within forty-eight hours after notice from the said Harbor Masters, or one of them requiring such person or persons to remove the same, the said Harbor Masters may thereupon demand and receive from such person or persons so neglecting or refusing, the sum of two dollars and fifty cents; and in case of non-payment thereof on demand, the same may be sued for and recovered, in the names of, and for the use of, the said Harbor Masters, in any court having cognizance thereof.

“The Legislature passed an act January 22, 1823, entitled *An Act* defining the powers of the Harbor Masters in the city of New York.”

§ 7. Be it enacted by the People of the state of New York represented in Senate and Assembly, that nothing contained in so much of the act entitled “An Act to reduce several laws relating particularly to the city of New York, into one act,” as relates to Harbor Masters, shall be so construed as to invest them with any power or authority respecting vessels that lie at or within any of the wharves, docks or slips, belonging to the Mayor, Aldermen and Commonalty of the city of New York.

CHAPTER VI.

THE MASTER AND WARDENS OF THE PORT OF NEW YORK.

By the act passed by the Legislature, March 30, 1831, there are six wardens of this port, including the master warden: and also two special wardens to reside at the quarantine ground in the county of Richmond, whose duty it shall be to act as wardens only in regard to vessels and goods subject to quarantine at that place. The *special wardens* are entitled to the same fees as the *wardens of the port* for similar services. The duties of the port wardens are in relation to the pilots of the port, and to settle disputes between masters of vessels and wharfingers. The following sections of the statute passed

February 19, 1819, will exhibit more particularly their official duties in relation to *vessels* :

§ III. "*And be it further enacted*, That the said board of wardens, or a majority of them, shall and may, from time to time, appoint a clerk, who shall not be one of the said board ; and which said board or wardens shall keep an office in the city of New York, at which office, a majority of the said master and wardens, and their clerk, shall give attendance daily, (Sundays and public holidays, and the fourth day of July excepted) and that the said board of wardens shall cause to be made, and kept by their clerk, in a book or books by them to be provided for that purpose, regular and fair minutes and entries of all orders, regulations, transactions and proceedings of the said board, under and by virtue of this act ; and which said book or books of entries, shall and may be inspected by any person or persons desiring to inspect the same, such person or persons desiring to inspect the same, paying to the said clerk twelve and an half cents each time the said books shall, at his or their request, be opened and examined : *And further*, That the said clerk shall give true copies of any such entries or minutes, so to be made in the said book or books, to such person or persons as may require the same, such person or persons paying therefor to the said clerk one cent for every twelve words or figures such copy shall contain.

§ IV. "*And be it further enacted*, That the master, or one of the owners or consignees, of every vessel arriving at the port of New York, (except vessels belonging to a citizen or citizens of the United States, and excepting also the vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels belonging to a citizen or citizens of the United States) shall report such vessel at the office of the said board of wardens, within forty-eight hours after the arrival of such vessel at the said port of New York, under the penalty of fifty dollars for each and every neglect or omission so to do ; and shall, at the time of making such report, pay to the said board of wardens, for each respective vessel, (one-fourth part thereof for the use of the pilot who shall have so piloted and made report of such vessel, as herein before directed, and the residue thereof for the use of the said master and wardens) the sums following : that is to say, the sum of four dollars if of less than one hundred tons burthen, and the sum of six dollars if of the burthen of more than one hundred and less than two hundred tons, and the sum of eight dollars if of the burthen of two hundred tons, or more, but of less than three hundred tons burthen, and the sum of ten dollars if of the burthen of three hundred tons or

upwards ; which said respective sums, so made payable for such vessels respectively, so arriving at the said port of New York, shall and may be sued for and recovered, with costs of suit, in an action of debt, or upon the case, by the said board of wardens by their said name ' the master and wardens of the port of New York,' of or from the master, or the owner or owners or consignees of such vessel, or any or either of them, in any court having cognizance thereof.

§ V. " *And be it further enacted*, That the said master and wardens of the said port of New York, or any two of them, with the assistance of one or more skilful carpenters, shall be surveyors of any vessel deemed unfit to proceed to sea ; and the said master and wardens, or any two of them, shall be judges of the repairs which may be necessary for the safety of such vessel on the intended voyage ; and in all cases of vessels and goods arriving damaged, and by the owner or consignees required to be sold at public auction, on account of such damage, and for the benefit of underwriters out of the city of New York, such sale shall be made under the inspection of the master and wardens, or some one of them, which master and wardens shall, when required by the owner or consignees aforesaid, certify the cause of such damage, the amount of sale of such vessel or goods, and the charges attending the sale, and shall be allowed for their services on board, or relating to vessels or goods belonging to a citizen or citizens of the United States, or to vessels or goods belonging to citizens or subjects of other nations that are permitted, by the laws of the United States, at and after the rate of one and a half per cent. on the gross amount of sales thereof ; and for each and every survey on board of any ship or vessel, or at any store in the city of New York, or along the docks or wharves thereof, on damaged goods, they shall severally be allowed the sum of one dollar and fifty cents ; for each and every certificate, given in consequence of damaged goods, one dollar and twenty-five cents ; and for every survey on board of any ship or vessel, put into the said port in distress, to ascertain the damages sustained, they shall severally be allowed the sum of two dollars and fifty cents ; and for each and every certificate given of damages sustained by any ship or vessel, put into the said port in distress, and recording the same, two dollars and fifty cents ; and shall, in like manner, be allowed for their services on board of or relating to any vessel paying foreign duties and tonnage, for the services aforesaid, double the amount of fees herein above specified.

§ VI. " *And be it further enacted*, that all the emolu-

ments granted to the master and wardens by this act, shall be equally divided amongst them and their clerk."

There is a Board of "*Marine Surveyors*," appointed by the Chamber of Commerce who perform certain duties in relation to vessels, in common with the wardens of the port; and as there is a legal controversy now pending between them upon the question, "whether the Marine Surveyors are not usurping the office of the Wardens," I think the safer course for masters of vessels is to call upon the master and wardens until that controversy shall have been determined. The office of the MASTER and WARDENS of the PORT OF NEW YORK is at the N. E. corner of Wall and Water-street.

Restriction.

This controversy induced the legislature to pass an act March 29, 1844, "declaring the rights and for the relief of the master and wardens of the port of New York.

§ 1. No person or persons shall, under any pretence whatever, do, perform or exercise, or attempt or offer to do, perform or exercise, any of the powers, functions or duties of the master and wardens of the port of New York, conferred on or required of them by law or the act in the next section mentioned, or ask, demand, take, accept or receive of or from any person or persons whatever, any money, fee, emolument or reward for any such service; which powers, functions and duties are hereby declared to be exclusively vested in and to belong and appertain to the master and wardens of the port of New York, by virtue of their said office.

Penalty.

§ 2. That if any person or persons shall, under any pretence whatever, do, perform or exercise any of the powers, functions or duties of the master and wardens of the port of New York, by doing any of the acts or performing any of the duties or services belonging or appertaining to them or their said office, specified in the act entitled "An act to reduce the laws particularly relating to the city of New York into one act, so far as the same relate to the master and wardens, harbor master and pilots of the port of New York and their duties, and for other purposes," passed February 19, 1819, or which otherwise belong or appertain to the said office, by virtue of any existing law of this state or of the United States; each and every person, so offending, shall, for each and every offence, forfeit and pay to the master and wardens of the

port of New York, the sum of fifty dollars, to be sued for and recovered by them in their corporate name, with costs of suit in any court having cognizance thereof; the one half whereof, when recovered, to their own use, and the other half to the use of the pilots' charitable fund in the city of New York; Provided, however, that nothing herein contained shall prevent any person or persons from acting as appraisers or arbitrators of damaged goods in any case or cases belonging to the duties of the master and wardens of the port of New York, whenever they shall or may be required, in writing, to act as such, by all parties and persons interested in the act or acts to be done, or by their lawful agents, or from making his or their report or award in such case or cases, as in any other matter of skill or judgment or of arbitration.

CHAPTER VII.

RATES OF WHARFAGE.

The Legislature of this State established the following rates of wharfage by an act passed April 9, 1813 :

Vessels under 50 tons, per day,	\$0 50
Over 50 tons, and under 100 tons, do.	0 62½
“ 100 “ “ “ 150 “ “	0 75
“ 150 “ “ “ 200 “ “	0 87½
“ 200 “ “ “ 250 “ “	1 00
“ 250 “ “ “ 300 “ “	1 12½
“ 300 “ “ “ 350 “ “	1 25
“ 350 “ “ “ 400 “ “	1 37½
“ 400 “ “ “ 450 “ “	1 50
“ 450 “ “ “ 500 “ “	1 62½
“ 500 “ “ “ 550 “ “	1 75
“ 550 “ “ “ 600 “ “	1 87½

All vessels over 600, additional 12½ cents for every 50 tons.

Wharfage of Vessels while Repairing or Careening.

The 2d section of the same act says, “that vessels using boats, scows or floating stages alongside for caulking, repairing and careening, shall pay one-third more than their regular wharfage.”

The 3d section of this act says, that “if any dispute shall arise between the wharfinger and captain, &c, in relation to the tonnage of a vessel, either party may apply to one of the wardens of the port, who shall decide such difference by measuring the vessel, and his certificate shall decide the question

of her tonnage. The fees of the port warden, which shall not exceed \$1 25, must be paid by the party against whom his decision shall be made."

The 4th section of this act are in these words, "And be it further enacted, that every ship or other vessel which shall make fast to any other ship or vessel that shall be fastened to any wharf and being so fastened shall load, unload or careen, shall pay the one-half of the rate of wharfage such ship or vessels would have been liable to pay if fastened to such wharf, and there loaded, unloaded or careened."

By the 5th section, the master and owner, and in their absence, the factor or agent, or to whom the vessel is consigned, shall be liable for the wharfage. It is provided, however, that the factor, or agent shall not be liable, unless an account of the wharfage due, shall be delivered to him, or in his absence, left at his usual place of abode, and the money demanded before the departure of the vessel.

The 6th section of this act empowers the wharfinger to collect the wharfage by distraining on "any goods or chattels found on board of the vessel." As this is an extraordinary privilege given the wharfinger over common creditors, the statute requires him to perform certain preliminaries before resorting to this rigorous remedy, and, if he neglects them, he is liable to an action of trespass and damages. The first is—the vessel must have laid at the wharf twenty-four hours: and, secondly, he must show that the master or owner refuses or neglects to pay the wharfage, "or give satisfactory security for the payment of the same, being thereunto required by the wharfinger, by notice in writing being left on board with the mate, or one of the hands belonging to the vessel." He may also distrain for each day's wharfage due, "and the goods and chattels so distrained sell and dispose of in the same manner as is provided in the case of rent."

The concluding words of this statute clearly define this privilege of the wharfinger; and the decisions of our Supreme Court between landlord and tenant, shew that he must exercise it with a proper regard to the legal rights of others.

The wharfinger has another remedy by an attachment against the vessel, under the 8th title, part 3, chapter 8th of the Revised Statutes.

In this case, the amount of wharfage must exceed fifty dollars, and is subject to the following section of the statute:

§ 2. "When the ship or vessel shall depart from the port at which she was, when such debt was contracted, to some other port within this State, every such debt shall cease to be

a lien at the expiration of twelve days after the day of such departure; and in all cases such lien shall cease immediately after the vessel shall have left this state."

It has sometimes occurred to the captains that this statute can be avoided by running over to Jersey shore for a night.

The Supreme Court of the State of New York, in the case of *Hancock vs. Denning and Browning*, held that "The reasonable construction is, that the lien ceases when the vessel departs from the port when the repairs were made, or leaves the state upon a voyage or trip in the *pursuit of some kind of trade or business*"—*Hill's Reports*, 6 vol. 494.

The profound equity of this decision will enlighten these moralists upon the futility of such elopements, and save them the expenses of a suit.

Collection of Wharfage.

The next remedy for the collection of wharfage, is by the process of the Court of Admiralty.

This remedy can be applied when the demand exceeds fifty dollars against a vessel belonging to *this* state, and for any sum against a *foreign* bottom, or one belonging to a sister state. The expensiveness of the proceedings of this court deters wharfingers from invoking its strong arm in the collection of their demands; but, when once used, the energy, celerity, and expense of its process, teach delinquents the necessity of promptly paying their wharfage.

The act of the Assembly, passed April 15, 1828, entitled "An act for the collection of wharfage in the village of Brooklyn" establishes the same rate of wharfage, and confers upon all the wharfingers the same remedy to collect it as in the city of New York.

Cranage.

The 7th section of the act of April 9th, 1813, establishes the rates which may be demanded by the owner of the cranes, for the use of them.

§ 7. "And be it further enacted, that the owner of any crane upon any of the wharves aforesaid, may ask and receive to his use from the master or owner of any ship or other vessel that shall employ such crane, the following rates, to wit: For taking out and putting in the mast of every sloop of the burthen of eighty tons, or upwards, the sum of ten dollars; and for taking out or putting in the mast of any sloop of eighty tons, or upwards, six dollars and twenty-five cents; for taking out and putting in the mast of any square-rigged vessel, of the burthen of two hundred tons, and upwards, the sum of seven dollars and fifty cents; and for taking out and putting in the

mast of a square-rigged vessel or schooner, under the burthen of two hundred tons, six dollars and twenty-five cents; for taking out or putting in the mast of any square-rigged vessel of the burthen of two hundred tons, or upwards, the sum of six dollars and twenty-five cents; and for taking out or putting in the mast of any square-rigged vessel or schooner, under the burthen of two hundred tons, five dollars."

CHAPTER VIII.

GUNPOWDER IN VESSELS.

It is the duty of captains to read this subject with care, as the penalties are so heavy, and the offence productive of such fearful consequences, that the authorities rarely remit the fines, or permit them to be compromised.

The "act to amend the acts heretofore passed for the prevention of fires in the city of New York," passed April 20, 1830, has five sections pertaining to *gunpowder in vessels*.

§ 24. "It shall not be lawful for any person or persons to have or keep any quantity of gunpowder exceeding twenty-eight pounds in weight, in any one house, store, building, or other place in the city of New York, to the southward of a line running through the centre of Fourteenth-street,* from the North to the East River; or to lade, receive, have, or keep any greater quantity of gunpowder than as aforesaid, on board of any ship, vessel, boat, or other water craft whatever, within three hundred yards from any wharf, pier or slip in that part of the city lying southward of the said line.

§ 25. "All gunpowder which may be kept in the said city, or on board of any ship, vessel, boat or other water craft, to the southward of the line mentioned in the last section, shall be kept in stone jugs or tin canisters, which shall not contain more than seven pounds each.

§ 26. "If any person or persons shall have or keep any gunpowder in the city of New York, or on board of any ship, vessel, boat or other water craft, to the southward of the said line, in any manner contrary to the foregoing provisions of this act, either as to quantity or as to the manner of keeping the same, he, she or they, shall forfeit and pay the sum of one hundred and twenty-five dollars for every hundred pounds of

* By the amended act of May 5, 1841, the line is extended to 28th street.

gunpowder so had or kept, and in that proportion for a greater or less quantity; and all such gunpowder shall be forfeited to the fire department of the said city.

§ 27. "The commander, or owner or owners of *every ship or other vessel* arriving in the harbor of New York, and having more than twenty-eight pounds of gunpowder on board, shall, within forty-eight hours after such arrival, and before such ship or vessel shall approach within three hundred yards of any wharf, pier or slip, to the southward of a line drawn through the centre of Fourteenth-street as aforesaid, cause the said gunpowder to be landed by means of a boat or boats, or other small craft, at any place without the said limits which may be most contiguous to any magazine for storing gunpowder, and shall cause the said gunpowder to be stored in such magazine, on pain of forfeiting the same to the fire department of the city of New York.

§ 28. "It shall be lawful either to proceed with any such ship or vessel to sea, within forty-eight hours after her arrival, or to tranship such gunpowder from one ship or vessel to another, for the purpose of immediate exportation, without landing such gunpowder as in the last section is directed; but in neither case shall it be lawful to keep such gunpowder for a longer time than forty-eight hours in the harbor of New York, or to approach with the same within three hundred yards of any wharf, pier or slip in the said city, to the southward of the line specified in the last section, on pain of forfeiture as therein mentioned."

On the 5th May, 1841, the legislature passed an act amending this act, in these words:

§ 3. "The penalties and provisions of the act hereby amended shall not extend to any vessel receiving gunpowder or freight, provided such vessels do not remain at any wharf of the said city, or within three hundred yards thereof, after sunset, or on any other day whilst having gunpowder on board. In case of neglect of any of the above provisions, such vessel and its owner or owners shall be subject to the provisions and penalties of the act hereby amended."—*Laws of 1841, page 137.*

"The Common Council, by an ordinance passed April 23, 1839, authorizes "the Fire Wardens, or either of them, at such times as aforesaid, to enter into and examine all buildings, livery or other stables, hay BOATS or VESSELS, and places where any gunpowder, hemp, flax, tow, hay, rushes, firewood, boards, shingles, shavings, or other combustible materials may be lodged, and give such directions in writing in the premises, as may be deemed necessary by them or him

relative to the removal thereof; and in case of neglect or refusal on the part of the possessor of such combustible materials, or any of them, to remove or secure the same, within the time and in the manner directed by the said Fire Wardens or either of them, the party offending shall forfeit and pay twenty-five dollars, and the further sum of five dollars for every day's neglect to remove or secure the same after being so notified."—*Corporation Ordinances*, page 119.

STATE HOSPITAL MONEY.

For Vessels from a Foreign Port.

The last act passed May 13, 1845, amends the former acts, and fixes the sum to be paid as follows :

§ 1 " From the master of every vessel from a foreign port, for himself one dollar and fifty cents, for every cabin passenger two dollars, for each steerage passenger fifty cents, and for each mate and sailor one dollar."

Coasting Vessels.

§ 2. " From the master of each *coasting* vessel, for each person on board, twenty-five cents; but no *coasting* vessel from the states of New Jersey, Connecticut and Rhode Island, shall pay for more than one voyage in each month, computing from the first voyage in each year.

§ 3. " Each master paying hospital monies shall be entitled to demand and recover, from each person for whom they shall be paid, the sum paid on his account.

§ 4. " Every master of a *coasting* vessel, shall pay to the health commissioner, at his office, in the city of New York, within twenty-four hours after the arrival of his vessel in the port, such hospital monies as shall then be demandable from him, under the provisions of this Title, and every master, for each omission of such duty, shall forfeit the sum of one hundred dollars."

UNITED STATES HOSPITAL MONEY.

The following sections of the act of Congress of 16th July, 1798, pertain to this subject :

§ 1. " The master or owner of every vessel of the United States, arriving *from a foreign port*, into any port of the United States, shall, before she be admitted to entry, render to the collector a true account of the number of seamen that shall have been employed on such vessel since she was last entered at any port in the United States, and shall pay to the collector, at the rate of twenty cents per month for every

seaman so employed ; which sum he may retain out of the wages of such seamen.

§ 2. " No collector shall grant to any vessel, whose enrolment or license for carrying on the *coasting trade* has expired, a new enrolment or license, before the master shall first render a true account of the number of seamen, and the time they have severally been employed on board such vessel, during the continuance of the license which has so expired, and pay twenty cents per month for every month such seamen have been severally employed, which sum the master may retain out of the wages of such seamen, and if such master shall render a false account of the number of men and length of time they have severally been employed, he shall forfeit and pay one hundred dollars."

CHAPTER IX.

ATTACHMENTS AGAINST VESSELS.

1st. Against Domestic Vessels.

2d. Against Vessels belonging to Sister or Foreign States.

The following sections of the Revised Statutes, 2 vol. 405, will show the liabilities of *vessels belonging to this state*.

It may be proper here to state that the Court of Admiralty gives a concurrent remedy, and will enforce this statutory lien against *domestic* vessels, provided *the lien* has not expired by the 2d section of this act.

Debts which are Liens on Vessels.

§ 1. " Whenever a debt, amounting to fifty dollars or upwards, shall be contracted by the master, owner, agent or consignee of any ship or vessel, within this state, for either of the following purposes :

1. On account of any work done, or materials, or articles furnished in this state, for, or towards the building, repairing, fitting, furnishing or equipping such ship or vessel ;

2. For such provisions and stores furnished within this state, as may be fit and proper for the use of such vessel, at the time when the same were furnished ;

3. On account of the wharfage and the expenses of keeping such vessel in port, including the expenses incurred in employing persons to watch her :

Such debt shall be a lien upon such ship or vessel, her

tackle, apparel and furniture ; and shall be preferred to all other liens thereon, except mariners' wages.

When Lien to Cease.

§ 2. "When the ship or vessel shall depart from the port at which she was when such debt was contracted, to some other port within this state, every such debt shall cease to be a lien at the expiration of twelve days after the day of such departure ; and in all cases such lien shall cease immediately after the vessel shall have left this state.

Who to Apply for Warrant.

§ 3. "Any person having due to him the sum of fifty dollars or upwards, upon any debt contracted for any of the purposes hereinbefore specified, may make application to any officer authorized by law to perform the duties of a Justice of the Supreme Court at Chambers, in the county within which such ship or vessel shall then be, or in the city of New York to any Justice of the Superior Court of law therein, for a warrant to enforce the lien of such debt, and to collect the amount thereof.

Contents of Application Proof.

§ 4. "Such application shall be in writing, and shall specify,

1. By whom such debt was contracted, and for what ship or vessel :

2. The items composing such debt :

3. It shall be verified by the affidavit of the creditor, or of the person making the application in his behalf, stating that the sum claimed in such account is justly due to the person in whose behalf such application is made, over and above all payments and discounts :

And the facts and circumstances to establish such demand, shall also be verified by the affidavits of one or more disinterested witnesses."

§ 5. "The officer to whom such application shall be made, shall thereupon issue his warrant to the sheriff of the county, commanding him to attach, seize, and safely keep such ship or vessel, her tackle, apparel and furniture, to answer all such liens as shall be established against her according to law ; and to make return of his proceedings under such warrant to the said officer, within ten days after such seizure.

§ 6. "The sheriff to whom any such warrant shall be directed and delivered shall forthwith execute the same, and shall keep the ship or vessel and other property seized by him, to be disposed of as hereinafter directed. He shall also, within

ten days after such seizure, make a return to the officer who issued the warrant, stating therein particularly his doings in the premises; and shall make out, subscribe, and annex thereto, a just and true inventory of all the property so seized; which inventory shall be signed by him, and annexed to his return."

The remainder of this statute appertains to the mode of attachment, the time of the return of the process, the bonding of the vessel, and the trial of the cause. These belonging more to the duties of the lawyer than of the shipmaster, I have not quoted the different sections setting them forth.

Collision of Vessels.

Collision is a term in the maritime law, and means in common parlance, *the running of one vessel into another*. The law of this State, upon that subject, is contained in the following sections of the statute passed 26th April, 1831, and is found in the second edition of Revised Statutes, 2d vol., 410.

§ 1. "Whenever any ship or vessel shall have been run down, or run afoul of by any other ship or vessel, through *the negligence or wilful misconduct* of those navigating such other ship or vessel, and shall thereby have sustained damage to the extent of fifty dollars or upwards, the owner of said ship or vessel so sustaining damage, shall have a lien upon the ship or vessel causing such damage in manner aforesaid, her tackle, apparel and furniture, to the extent of such damage.

"The master, owner, agent or consignee of the ship or vessel so receiving damage, may make an application, in writing, to the same officer authorized under the third section of title eight, of chapter eight of the third part of the Revised Statutes, setting forth the name of the ship or vessel causing the damage, and the manner in which said damage was done, and the amount of said damage; and said application shall be verified by the owner or master navigating the vessel so damaged, and the facts contained in said affidavit shall also be verified by one or more disinterested witnesses.

§ 2. "The officer to whom said application is made, in case he is satisfied that said damage arose from negligence or wilful misconduct, on the part of those navigating the vessel causing the damage, may issue his warrant as provided in the fifth section of the act above referred to; and all proceedings under said warrant, shall conform to the provisions of the said act.

§ 3. "The lien provided for under this act shall cease, unless a warrant shall issue within twenty days after the damage shall be done."

Attachment against Vessels belonging to Sister and Foreign States.

The District Courts of the United States, sitting as Courts of Admiralty, of civil and maritime jurisdiction, issue process of attachment upon the filing of a Libel against the above vessels for the claims of *material men* as set forth in the State statute, without regard to the amount. In cases of *collision*, the Admiralty gives a remedy, although twenty days have expired and the sum be less than fifty dollars.

The Admiralty issues process *in personum* against owners, at the instance of material men and those furnishing supplies, *for any amount*, if the vessel belong to a *sister or foreign state*; and also against owners of domestic vessels residing in the district, if the sum exceed fifty dollars and the lien has not ceased by the term of the 2nd section of the above act.

CHAPTER X.

WRECKS AND SALVAGE.

1st Revised Statutes, 688, Part 1, Chap. 20, Title 12.

This Statute makes ample provision for the payment of salvage to those who recover wrecked property, "*from any stranded vessel, or any goods cast by the sea upon the land, or found in any bay or creek.*" It clearly appears from the language of this act, that it does not apply to salvors coming into port with the property saved on the "*high seas.*" In this case, the United States District Court of the Southern District of New York, or the district into which the property shall be brought, has exclusive maritime jurisdiction; and the salvors will proceed at once to a proctor and advocate of this court to obtain their salvage.

There are "Fifteen wreck-masters in the county of Suffolk, twelve in the county of Queens, three in the county of Kings, two in the county of Richmond, and two in the county of Westchester."—*Revised Statutes, 1. vol. 91.*

They are appointed by the Governor and Senate, and hold their offices for 2 years.

The 2d section of the statute points out the *duty* of the wreck-masters.

§ 2. "The sheriff, coroners, and wreck-masters of every county in which any wrecked property shall be found, when no owner or other person entitled to the possession of such property shall appear, shall severally have power, and it shall be their duty, to pursue all necessary measures for saving and securing such property; to take possession thereof, in whose hands soever the same may be, in the name of the people of this State; to cause the value thereof to be appraised by indifferent persons, and to keep the same in some safe place, to answer the claims of such persons as may thereafter appear entitled thereto."

The statute also directs the mode of ascertaining and the payment of the salvage. The 25th, 26th and 27th sections of this act, will point out the duty of persons finding property in the above maritime counties.

§ 25. "Every person who shall take away any goods from any stranded vessel, or any goods cast by the sea upon the land, or found in any bay or creek, or who shall, knowingly, have in his possession any goods so taken or found, and shall not deliver the same to the sheriff or one of the coroners or wreck-masters of the county where the same shall have been found, within forty-eight hours after the same shall have been taken by him, or have come into his possession, shall forfeit treble the value of the goods so taken or kept by him, to the owner or consignee thereof, and shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried.

§ 26. "Every person who shall deface or obliterate the marks on wrecked property, or in any manner disguise the appearance thereof, with intent to prevent the owner from discovering its identity, and every person who shall destroy or suppress any invoice, bill of lading, or other document, tending to show the ownership of wrecked property, shall be deemed guilty of a misdemeanor, punishable by fine and imprisonment, the fine not to exceed two thousand dollars, the imprisonment three years.

§ 27. "It shall be the duty of all judges, sheriffs, justices of the peace, coroners, constables and wreck-masters, to present all offences and offenders against the provisions of this title, that shall come to their knowledge, within their respective counties, to the grand jury, at the next court of general sessions therein."

CHAPTER XI.

PILOTS AND PILOTAGE

Of the Port of New York.

The Legislature of the State of New York, on the 1st of April 1845, passed the following act repealing all former acts in relation to the pilots by the way of Sandy Hook.

§ 1. "All laws and parts of laws relative to pilots or pilotage of the port of New York, by the way of Sandy Hook, are hereby repealed: Provided, however, that all persons holding licenses as such pilots on the tenth day of March, eighteen hundred and forty-five, shall be and continue to be pilots by the way of Sandy Hook; but nothing herein contained shall be held to prohibit other persons from acting as such pilots"—*Law 1845, p. 30.*

From this act it will appear that any person may now exercise the duties of a pilot by the way of Sandy Hook.

HELL GATE PILOTS.

The various acts passed by the Legislature of the State of New York in relation to the pilots of the East River, commonly called Hell Gate, are still in force. The last act, passed May 17, 1841 presents all that is necessary for the shipmasters' perusal.

The three first sections appertain to their appointments, and to the kind of boats which they must to use.

The following is the 4th section, and contains the rate of pilotage:

Amount of Pilotage to be Charged for Each Vessel.

§ 4. "It shall be lawful for any such pilot or deputy to demand and receive from any person who shall employ any of them to pilot any vessel of the burden of ninety-five tons and upwards, or from the consignee or owner of said vessel, from the eastward of Sand's Point or Execution Rocks, or take charge of any such vessel at or to the eastward of Sand's Point or Execution Rocks, and pilot her to the port of New York, or to pilot her from the port of New York to Sand's Point or Execution Rocks, for every vessel one dollar and fifty-cents for each and every foot of water such vessel may draw; and from the eastward of Hell Gate to the port of New York, one dollar for each and every foot of water such vessel may draw; and for pilotage from the port of New York to the eastward of either of the before mentioned

points or places, they shall be entitled to receive the same compensation as is above provided when the said vessel is bound to the port of New York. And every pilot or deputy pilot shall, for such services, be entitled, in addition to the above mentioned rates of compensation, to demand and receive the further sum of twenty-five cents for each and every foot of water which any square rigged vessel may draw which they shall pilot to or from the said port of New York. And further, from the first day of November to the first day of April in every year, every such Hell Gate or deputy pilot shall be entitled to demand and receive for every ship, barque or brig, the sum of two dollars, and for every schooner or sloop the sum of one dollar, in addition to the rates of compensation for pilotage hereby established. And every master or commander of any vessel who shall give to such Hell Gate or deputy pilot an untrue account of the draft of water or tonnage of his vessel, shall forfeit and pay the sum of twenty-five dollars, to be sued for and recovered by the said board of wardens.

Pay of Pilots or Deputies first offering to Serve.

§ 5. "Any of said Hell Gate or deputy pilots, who shall first tender his services, may demand and receive from the master, owner or consignee of any vessel of the burden of ninety-five tons and upwards, navigating the said channel of Hell Gate, to whom he shall have tendered his services as a pilot, and by whom the same shall be refused, whether inward or outward bound, one half pilotage for every foot of water such vessel may draw, which half pilotage shall be the one-half of the rates of compensation established by the fourth section of this act. But such half pilotage shall not be chargeable to any vessel under ninety-five tons burden, sailing under a coasting license, and shall not be chargeable more than once for the same passage to any vessel. And in case any such vessel under ninety-five tons burden navigating the said channel, to or from the port of New York, shall make the usual signal for a pilot, and shall refuse to receive on board and employ such pilot when he shall have tendered his services, then the master, owner or consignee of such vessel shall pay to such Hell Gate or deputy pilot, such half pilotage from the place at which such pilot shall have so offered his services.— And any pilot who shall pilot any government vessel through the said channel, shall be entitled to receive the same compensation therefor as is now provided by law for like services in piloting such vessel to or from the port of New York by the way of Sandy Hook."

Steam Vessels Excepted.

§ 7. "This act shall not be construed to apply to vessels navigated by means of steam."

The act of April 16, 1832, has two sections worthy of the shipmasters' attention.

For extra Services.

§ 8. "The master, owner or consignee of any ship or vessel to whom any Hell-Gate pilot shall have rendered, upon request of the master of said ship or vessel any extra service for the preservation of said ship or vessel while in distress, shall pay to said pilot, in addition to the compensation set forth in the preceding section, such amount for extra services as the board of wardens shall determine to be a reasonable reward; and for every day which any Hell-Gate pilot shall be detained on board any ship or vessel over and above twenty-four hours, he may demand and receive from the master owner or consignee of said vessel, two dollars a day for each and every day he shall be so detained.

Pilotage refused, how to be recovered.

§ 11. "The pilotage authorised by law to be collected whenever a pilot shall be refused, shall be sued for and recovered in the name of the master warden of the port of New York, before any assistant justice of the city of New York, or before any justice of the peace; and such half pilotage, when recovered, after paying necessary costs and charges, shall be deposited in the Savings bank of said city, and constitute a charitable fund, to be disposed of for the benefit of indigent widows and orphan children of deceased Hell-Gate pilots, under the direction of said master warden.

CHAPTER XII.

PASSENGER VESSELS.

This act is of importance to masters of vessels, and is sometimes overlooked by our coastwise captains.

"AN ACT concerning Passengers in Vessels coming to the Port of New York.

(Passed February 11, 1824.)

I. "BE it enacted by the People of the State of New York, represented in Senate and Assembly, That every master or commander of any ship or other vessel arriving at the port of New York from any country out of the United States, or from any other of the United States than this state, shall within twenty-four hours after the arrival of such ship or vessel in

the said port, make a report in writing, on oath or affirmation, to the mayor of the city of New York, or in case of his sickness or absence, to the recorder of the said city, of the name, place of birth, and last legal settlement, age and occupation of every person who shall have been brought as a passenger in such ship or vessel on her last voyage from any country out of the United States, into the port of New York, or any of the United States, and from any of the United States, other than this state, to the city of New York, and of all passengers who shall have landed, or been suffered or permitted to land from such ship or vessel, at any place during such her last voyage, or have been put on board, or suffered or permitted to go on board of any other ship or vessel, with the intention of proceeding to the said city, under the penalty, on such master or commander, and the owner or owners, consignee or consignees of such ship or vessel, severally and respectively, of seventy-five dollars for every person neglected to be reported, as aforesaid, and for every person whose name, place of birth, and last legal settlement, age and occupation, or either or any of such particulars, shall be falsely reported as aforesaid, to be sued for and recovered as hereinafter provided.

Sureties may be required in Certain Cases.

II. " *And be it further enacted*, That it shall be lawful for the said mayor, or in case of his sickness or absence, for the said recorder, to require by a short endorsement on the aforesaid report, every such master or commander of any such ship or vessel to be bound with two sufficient sureties, (to be approved of by the said mayor or recorder) to the mayor aldermen and commonalty of the city of New York, in such sum as the said mayor or recorder may think proper not exceeding three hundred dollars for each passenger not being a citizen of the United States, to indemnify and save harmless the said mayor, aldermen and commonalty, and the overseers of the poor of the said city, and their successors, from all and every expense and charge which shall or may be incurred by them for the maintenance and support of every such person, and for the maintenance and support of the child or children of any such person, which may be born after such importation, in case such person or any such child or children shall at any time within two years from the date of such bond, become chargeable to the said city; and that if any such master or commander shall neglect or refuse to give such bond within three days after such vessel shall have so arrived at the said port of New York, every such master or commander, and the owner or owners, consignee or consignees of such ship or vessel, severally and respectively, shall be subject to a penalty o

five hundred dollars, for each and every person not being a citizen of the United States, for whom the mayor or recorder shall determine that bonds should have been given as aforesaid, to be sued for and recovered as hereinafter provided.

Duty of Masters to Remove Persons likely to become Chargeable.

III. " *And be it further enacted*, That whenever any person brought in any such ship or vessel, and being a citizen of the United States, shall by the said mayor or recorder be deemed likely to become chargeable to the said city, the master or commander, owner or owners of such ship or vessel shall, upon an order for that purpose, under the hand of the said mayor, or the said recorder, remove every such person without delay to the place of his last settlement, and in default thereof shall severally and respectively be bound to pay all such charges and expenses as the said city shall or may sustain, or be put unto, in and about the maintenance and removal of such person, to be sued for and recovered as hereinafter provided.

Duty of Persons coming to New York to Report themselves.

IV. " *And be it further enacted*, That every person not being a citizen of the United States, who shall enter the said city with the intention of residing therein, shall within twenty-four hours thereafter make a report of himself in writing, on oath or affirmation, to the mayor, or in case of his sickness or absence, to the recorder of the said city, stating his name, age, and occupation, the name of the ship or vessel in which he arrived, the time and place when and where he landed, and the name of the commander of such ship or vessel, under the penalty of one hundred dollars.

Penalties how to be Sued for and Applied.

V. " *And be it further enacted*, That all and singular the aforesaid penalties and forfeitures shall and may be sued for and recovered, with full costs of suit, by action of debt, in any court having cognizance thereof, in the name of the said mayor, aldermen and commonalty, and when recovered by them shall be applied towards the support of the poor of the said city, and the defendant or defendants in every such suit shall be held to special bail, and the said *supreme* court may direct the trial thereof by a jury of any county that may be judged proper ; and that it shall be lawful for the said mayor, aldermen and commonalty to compound for the said penalties and forfeitures, or any of them, either before or after suing for the same, upon such terms as they may think proper.

Liability of the Vessels to Seizure, &c.

VI. " *And be it further enacted*, That every ship or vessel

on board of which any such person, not being a citizen of the United States, may have been a passenger, shall be liable for the said penalties, and may be proceeded against by information, in any other court having cognizance thereof, and by attachment and seizure grounded thereon, for any neglect of the provisions of this law, unless the owners thereof shall give bond, with sufficient sureties, to the sheriff serving such attachment, for the payment of the said penalties, and every of them, which may have been incurred during or since the last voyage of the said ship or vessel, or for paying the value of such ship or vessel towards the satisfaction of such penalties as may have been incurred, and such value shall be ascertained by the wardens of the port of New York, or any two of them; and such bonds shall be assignable as bail bonds are by law, and be subject to such order respecting the same as the said *supreme court* may judge it proper to make.

False Swearing declared Perjury.

VIII “ *And be it further enacted*, That any person swearing or affirming falsely under this act shall be adjudged guilty of perjury, and liable to all the pains and penalties thereof.”

Landing of Emigrant Aliens.

The Corporation, on the 12th of May, 1845, passed an ordinance entitled, “ An ordinance for regulating the landing of Emigrant Aliens in the city of New York.” The first four sections of this ordinance apply to emigrant runners and boarding houses, and the 5th and 6th sections to vessels and the *place* of their landing the emigrants.

§ 5. “ The Mayor may license such a number of steamboats or lighters as he may deem necessary to receive alien emigrants and their luggage from vessels arriving at this port, not subject to quarantine, to be landed on the emigrant pier aforesaid, for which license every steamboat or lighter shall pay the sum of ten dollars per annum.

§ 6 “ It shall be the duty of every shipmaster, owner or consignee bringing to this port any alien emigrants, steerage passengers in vessels not subject to quarantine, to cause the same with their luggage to be landed on the emigrant pier aforesaid, either directly from the vessel or by means of some steamboat or lighter, licensed by the Mayor as aforesaid, and the landing of them upon any other pier or wharf shall be punished by a fine of not less than two hundred dollars, and not exceeding two hundred and fifty dollars.”

The wharf for the landing of emigrant aliens is at present at the foot of Liberty street, North River.

CHAPTER XIII.

THE LAW OF QUARANTINE

OF THE

PORT OF NEW YORK.

[From the 1st volume of the Revised Statutes, p. 419.]

OFFICERS AND THEIR FEES.

The board of health, in the City of New York, of which the Mayor is ex-officio the president, is appointed by the Common Council.

The health officer, resident physician and health commissioner, are the commissioners of health. The fees of the health officer are fixed by statute thus :

§ 13. " The health officer shall be entitled to receive the following fees for visiting and examining vessels in the discharge of his official duties.

1. For every vessel from a foreign port, six dollars and fifty cents.

2. For each vessel from a place in the United States south of Cape Henlopen, if above one hundred and sixty tons, three dollars ; if not exceeding one hundred and sixty, and above one hundred tons, two dollars ; if below one hundred tons, one dollar, and such fees shall be paid by the respective masters of the vessels so visited and examined.

§ 15. " The board of health shall appoint an inspector of vessels, who shall perform the duties required of him in this chapter, and shall be entitled to receive the following fees :

For each cargo inspected by him under the direction of the board of health, three dollars.

For each vessel cleansed and purified by him under the like direction, five dollars ; which fees shall be paid by the owner or consignee of the cargo inspected or vessel purified.

ARTICLE FIRST.

Of the Place of Quarantine, and the Vessels and Persons subject thereto.

§ 1 " The anchorage place of vessels at quarantine, shall be as near, as may be, to the marine hospital on Staten Island,

How Designated.

§ 2. "The quarantine anchorage shall be designated by buoys, to be fixed under the direction of the health officer, and every vessel subject to quarantine shall anchor within them.

Certain Vessels to be Anchored there.

§ 3. "Every vessel in this Article declared to be subject to quarantine, shall, immediately on her arrival, proceed to, and be anchored at the place then assigned for quarantine; and shall remain there with her officers, passengers and crew, during her quarantine, subject to the examination of the health officer, to the provisions of this title, and to such regulations as the health officer or board of health shall lawfully impose.

Vessels subject to Quarantine.

§ 4. "Vessels arriving in the port of New York are declared to be subject to quarantine, and shall be classed as follows:

1. "All vessels from a foreign port, having forty or more passengers, or on board of which, during the voyage, or whilst at the port of departure, any person shall have been sick, arriving between the first day of April and the first day of November in any year.

2. "All vessels arriving between the thirty-first day of May and the sixteenth day of October, in any year, from any place, in the ordinary passage from which, they must pass to the south of Cape Henlopen.

3. "All vessels from any place (including islands) in Asia, Africa, or the Mediterranean, or from either of the West India, Bahama, Bermuda, or Western islands, or from any place in America, in the ordinary passage from which they must pass south of Georgia, arriving between the first day of April, and the first day of November, in any year.

4. "All vessels from any place where yellow, bilious, malignant, or other pestilential or infectious fever existed at the time of their departure, or on board of which, during the voyage, any case of any such fever shall have occurred, arriving between the first day of April and the first day of November, in any year.

5. "All vessels which, if they had arrived direct from their foreign port of departure, would have been included in the fourth class, that shall arrive at any place in the United States, or British North America, and proceed thence to the port of New York, between the first day of June and the first day of October, in any year.

§ 5. "Every vessel included in the first two classes of the preceding section, shall be subject to such length of quaran-

tine, and other regulations, as the health officer shall designate and enjoin.

§ 6. " Every vessel included in the third class, which shall arrive between the thirty-first day of May and the first day of October, in any year, shall remain at quarantine for two days, and for such further period as the health officer shall deem expedient; but from the provisions of this section, vessels from Canton and Calcutta are excepted, unless they shall have been at some place in the West Indies, or in America south of St. Mary's in Georgia, and north of the equator, or on the continent or islands near the continent of Africa, after the fifteenth day of May, in the year of their arrival.

§ 7 " Every vessel in the fourth class, which shall arrive within the days mentioned in the last section, and every vessel in the fifth class, shall remain at quarantine for at least thirty days after her arrival, and in all cases, at least twenty days after her whole cargo shall have been discharged and landed, and shall perform such further quarantine as the health officer shall prescribe.

§ 8. " All vessels subject to a regular quarantine, shall, if navigated by steam, be subject only to such length of quarantine and other regulations, as the health officer shall enjoin.

§ 9. " The quarantine of vessels subject thereto, where no period of regular quarantine is prescribed, shall be limited by the discretion of the health officer; but unless under special circumstances, and with the sanction of the board or commissioners of health, it shall not exceed the time requisite for a due examination of the vessel and cargo, and a compliance with the regulations of this chapter.

§ 10 " Every vessel arriving in the port of New York coastwise, after the first day of June, which has been to the West Indies, or America, south of Georgia, shall be subject to the same regulations as are imposed on such vessels under similar circumstances, that have arrived direct at the port of New York.

Vessels how removed from Wharves.

§ 11. " The Mayor of the city of New York, or the board, or the commissioners of health, whenever in their judgment the public health shall require it, may order any vessel at the wharves of the city or in its vicinity, to the quarantine ground, or other place of safety, and may require all persons, articles or things, landed or introduced into the city from such vessel, to be seized and returned on board, or removed to the quarantine ground. In case the master, owner, or consignee of the vessel cannot be found, or shall refuse or neglect to obey the order of removal, the mayor or the board of health shall have

power so to remove the vessel, at the expense of such master, owner, or consignee.

Not to return.

§ 12. "No vessel, nor person so ordered out, shall return to the city without the written permit of the board of health, the mayor, or the commissioners of health.

When Vessels may pass through the Sound.

§ 13. "If any vessel arriving at the quarantine ground, shall be bound to some port eastward of the city of New York, and beyond this state, the health officer, after having duly visited and examined her, may permit her to pass on her voyage through the Sound; but no such vessel shall, in that case, be brought to anchor off the city, nor shall any of her crew or passengers land in, or hold any intercourse or communication with the city, or with any person therefrom.

ACTS RELATING TO PUBLIC HEALTH.

The next five sections were added by the act passed 2d, May, 1836, see law of 1836, chap. 230, p. 295.

Privileges of certain Vessels.

§ 1. "All articles arriving in vessels subject to quarantine, whose exportation by sea or transportation up the North or East rivers, and which may, without danger to the public health, be shipped from the wharves of the city of New York, may, by permission of the board of health, or the mayor and commissioners of health, be brought to the city of New York for the above object.

Vessels arriving from the West Indies &c.

§ 2. "No vessel subject to a regular quarantine of two days, unless she shall have sailed from some port in the West Indies, or in America south of Louisiana, and north of the equator; or from some port or place in the United States south of Georgia, before the first day of June in the year of her arrival, shall, when released from quarantine, approach within three hundred yards of that part of the island of New York which lies southward of Bank street, on the North river, and of Eighth street on the East river, until after the first day of October in the year of her arrival, unless by virtue of a special permission to be granted by the board of health, or the mayor and commissioners of health, which permission shall not extend to embrace any time between the first day of June and first day of September in the year of her arrival, unless under the circumstances mentioned in the following section.

Vessels arriving from Asia, &c.

§ 3. " If such vessel shall have arrived from any place in the Mediteranean, in Asia, in America south of the equator, or from the Madeira, Canary, Cape de Verds, Western, Bermuda, or Bahama Islands ; the mayor and commissioners of health, may, by a special permission, in writing, direct her to be hauled to a wharf south of the bounds so prescribed, and in their discretion may first order her cargo, or any portion thereof, to be unloaded, subject to their orders and regulations.

Vessels subject to Quarantine of Thirty Days.

§ 4. " No vessel subject to a regular quarantine of thirty days, when permitted to leave the quarantine ground, shall approach within three hundred yards of the city of New York, between the first day of June and the first day of October in the year of her arrival, unless permitted by the board of health, or the mayor and commissioners of health ; which permission shall not be granted, except as prescribed in the second section of this act.

Vessels Loaded with Salt.

§ 5. " All vessels wholly loaded with salt, being healthy and from healthy ports, may be permitted to discharge their cargoes at any wharf to be designated by the board of health, or by the mayor and commissioners of health ; but immediately upon being discharged, such vessel shall be subject to all the restrictions imposed by title second, chapter fourteenth, part first of the Revised Statutes ; and all the provisions of said title and chapter inconsistent with the provisions of this act are hereby repealed.

ARTICLE SECOND.

Of the Duties of Pilots in relation to Vessels subject to Quarantine.

§ 14. " It shall be the duty of each branch and deputy pilot belonging to the port, to use his utmost endeavors to hail every vessel which he shall discover to be entering the port, and to demand of the master of every such vessel, whether any person has died or been sick on board during the passage, and whether any pestilential fever existed at the time of her sailing, at the port whence she sailed.

Further Duty.

§ 15. " If any of the above questions shall be answered in the affirmative, the pilot shall immediately give notice to the master of the vessel, that he, his vessel, crew, passengers and cargo, are subject to the examination of the health officer ; and

shall direct him to proceed and anchor his vessel at the quarantine anchorage, there to await the further directions of the health officer.

Bringing Vessels into Port.

§ 16. "It shall be the duty of every pilot who shall conduct into port a vessel subject to quarantine;

1. To bring such vessel to anchor within the buoys marking the quarantine anchorage.

2. To prevent any vessel or boat from coming along side of the vessel under his charge, and to prevent any thing on board from being thrown into any other vessel or boat.

3. To present to the master of the vessel a printed copy of this chapter, when such copy shall have been delivered to him for that purpose.

4. To take care that no violations of this chapter be committed by any person on board, and to report such as may be committed, as soon as may be, to the health officer.

ARTICLE THIRD.

Regulations Concerning the Treatment, Conduct and Duties of Vessels, Articles and Persons under Quarantine.

§ 17. "It shall be the duty of the health officer, to enter on board of every vessel subject to quarantine, immediately on her arrival, and to make strict search and inquiry into the health of the officers, crew and passengers, and into the state and condition of the vessel and her cargo.

His Powers.

§ 18. "In the discharge of this duty, he may put all such questions to the persons on board, as he shall judge necessary and proper, to enable him to ascertain the condition of the vessel and the length of quarantine to which she ought to be subject; and the persons to whom such questions may be put, shall, if required, answer the same under oath, which the health officer is authorized to administer.

To Report.

§ 19. "It shall be the duty of the health officer, to make to the board of health, a report respecting every vessel that he shall visit, and containing all such information as may enable the board to determine what measures, in respect to such vessel, ought to be adopted.

Purifying Vessels, &c.

§ 20. "Every vessel subject to a regular quarantine of two days, shall, during its quarantine, be thoroughly ventilated

and cleansed, and the clothing and bedding of the crew and passengers, be well washed and aired.

Who may come to the City.

§ 21. "Captains and passengers arriving from healthy ports, and in healthy vessels subject to a quarantine of two days, may, on their arrival, be permitted to come into the city, without any baggage.

Vessels to be Unladen.

§ 22. "The master, owner, or consignee of every vessel subject to a regular quarantine of thirty days, shall forthwith, upon the requisition, and under the direction of the health officer, cause such vessel to be unladen, cleansed and purified.

To be white-washed.

§ 23. "Every vessel mentioned in the last preceding section, shall, during her quarantine, be at least three times thoroughly white-washed in every part of the inside, except such parts as have been painted or varnished, which shall be purified as the health officer shall direct; and such vessel shall be fumigated with mineral acid gas, when required by the health officer. There shall be an interval of at least four days between each white-washing, and when the weather permits, wind-sails shall be kept in each hatchway of the vessel.

Vessel when to be released.

§ 24. "When the requisitions of the preceding section shall have been complied with, and the regular period of quarantine shall have expired, if the health officer shall judge the vessel clean and free from infection, he shall make a full report of all the circumstances affecting the health of the vessel, and of her actual condition, to the board of health, who may then release the vessel from quarantine.

Cargo to be landed, &c.

§ 25. "It shall be the duty of the health officer to cause the cargo of every such vessel, to be landed at the quarantine ground, or at some other suitable place out of the city, and there to be properly ventilated and cleansed, for at least twenty days.

Certain articles excepted.

§ 26. "From such ventilation and cleansing, alum, chalk, coals, distilled, expressed and fermented liquors, drugs and medicines, dye-woods, glass, stone and earthen ware, fruit in a sound state, honey, ivory, lignum-vitæ, mahogany, metallic substances, marble, oils, paints, resin, salts, spices, syrups, tar, turpentine, turtle shell, wax, and such other articles of the

cargo as may be sufficiently purified by washing with water, or are not liable to retain infection, shall be excepted, if the authority to make such exception, shall have been given to the health officer, by the board of health, or the mayor and commissioners of health.

Cargo when admitted to the City.

§ 27. "No portion of such cargo, other than articles excepted under the preceding section, shall be conveyed to the city without the permit of the board of health, which shall not be given until the health officer, or some special agent approved of by the board of health, shall have reported to the board, that such cargo has been properly ventilated and cleansed, and is in a sound condition, and free from infection.

Crew, Passengers, &c. when admitted.

§ 28. "None of the officers, passengers or crew of any such vessel, shall proceed to or enter the city, until fifteen days after the sailing of the vessel from her foreign port of departure, nor until fifteen days after the last case of pestilential or infectious fever that shall have occurred on board, nor until ten days after landing at quarantine.

[In all cases arising under the twenty-eighth section of the article hereby amended, it shall be lawful for the health officer, in his discretion, to permit any healthy person arriving from sea in a healthy vessel, and who may not have been exposed to any infectious or contagious disease during the last fifteen days preceding such arrival at quarantine, to come to the city of New York without baggage.]

Certain Articles to be destroyed.

§ 29. "The health officer, if he shall judge it necessary to prevent infection or contagion, may cause any bedding or clothing on board a vessel subject to quarantine, or any portion of her cargo that he may deem infected, to be destroyed.

West India Produce to be landed.

§ 30. "If there shall be any West India produce or merchandize, other than such articles as are enumerated in the twenty-sixth section of this Title, or that may be excepted under that section, on board of any coasting vessel subject to quarantine, it shall be the duty of the health officer, (except in the cases mentioned in the next succeeding section,) to order such produce or merchandize to be landed for purification, at the quarantine ground, or at some suitable place out of the city, subject to his orders and regulations, or if not landed at the quarantine ground, to those of the mayor and commissioners of health.

Except in certain cases.

§ 31. "The landing of such produce or merchandize from any such vessel, shall not be required, if the master shall exhibit satisfactory proof that it is free from damage, and has been landed in the United States or some British port of North America, more than twenty days; or that the port in the West Indies where it was shipped, was healthy at the time of such shipment, and that the vessel in which it was imported, was also healthy from the time of her departure from the United States, or British port of North America, until her return.

Rags, Hides and Skins, when landed.

§ 32. "All rags, hides and skins, arriving in vessels subject to the examination of the health officer, between the thirty-first day of May and the first day of October in any year, shall be discharged at the quarantine ground* 'or some suitable place to be designated by the mayor and commissioners of health;' if the health officer on examination, shall find the articles so discharged to be sound, he may grant a permit for their removal to those parts of the city where their entry is permitted, unless they shall have arrived under the circumstances mentioned in the next succeeding section. If, in his opinion, such removal would be dangerous to the public health, the health officer shall detain such articles until they shall have been cleansed or purified, or until, in his judgment, they may be removed with safety.

Cotton, and other Articles, to be detained.

§ 33. "All cotton, all the articles enumerated in the last preceding section, and all other articles in the opinion of the health officer likely to imbibe and retain infection, shall be detained at the quarantine ground, or at some other suitable place without the limits of the city, until the first day of November, if they shall arrive between the thirty-first day of May and the first day of November, in any vessel on board of which any person is, or shall have been sick, of any pestilential or infectious fever during the time the cargo was on board, or which shall have brought such articles from a port, where such fever existed at the time of, or shortly previous to their shipment.

When to be shipped.

§ 34. "If in their opinion it shall not be dangerous to the public health, the health officer, the board of health, or the

* These words were added by act 12. April 1842.

mayor and commissioners of health, may permit such articles to be shipped for exportation by sea, or transportation up the North or East river, in any vessel which shall not approach, whilst loading or when loaded, nearer than three hundred yards to the wharves of the city; and if any vessel so loaded, shall approach nearer to the city, the articles so loaded may be seized and sold by the commissioners of health, for the use of the marine hospital.

When may be sent to the City.

§ 35. "If any vessel subject to quarantine for less than thirty days, and laden in whole or in part with cotton of the United States or their territories, shall have on board any sick person, the character of whose disease cannot be immediately ascertained, the health officer may detain such vessel and cargo at quarantine, for a term not exceeding ten days; and if, in his opinion, the disease of such sick person is not of a malignant or pestilential nature, he may either release the vessel and cargo from quarantine, or, detaining the vessel, may permit the cotton to be sent directly to the city of New York, or to be put on board of any vessel, at the wharves of the city, for exportation.

Vessels to have colors.

§ 36. "Every vessel subject to quarantine, shall be designated by colors, to be fixed in a conspicuous part of the main shrouds of the vessel, and to remain there until the expiration of her quarantine.

Boats not to land, &c.

§ 37. "No boat from any outward or inward bound vessel, shall land at the quarantine ground after sunset: nor shall boats of any description, at any time, pass through the range of vessels lying at quarantine, without the permission of the health officer.

Lighters.

§ 38. "No lighters shall be employed to load or unload vessels at quarantine, but by the permission of the health officer, and subject to such restrictions as he shall impose.

Vessels not to approach the City.

§ 39. "No vessel subject to quarantine, shall approach the city of New York beyond the place assigned for quarantine, without a written permit from the health officer; nor shall any such permit be granted to any vessel or any portion of her cargo, until the requisitions of this Chapter in relation to such vessel or cargo, shall have been complied with.

Certain Bond may be required.

§ 40. "The health officer, whenever he shall deem it expedient, may require any person placed under quarantine, to execute a bond with such sureties as he shall approve, to the commissioners of health, and their successors in office.

Its Penalty and Condition.

§ 41. "The penalty of such bond shall not be less than five hundred, nor more than two thousand dollars, and its condition shall be, that the person executing it, shall not, during his period of quarantine, approach nearer the City Hall in the city of New York, than the distance of three miles, except in passing the city by water, and that he shall not go into any city or town of the United States, in violation of the quarantine laws thereof.

When Assigned.

§ 42. "If the person executing such bond, shall break its condition, by visiting any city or town of the United States, other than the city of New York, the board of health, on the application of the proper authority, may direct such an assignment of the bond to be made, as shall enable the assignee to prosecute thereon, and to apply the penalty thereof, when recovered, to such uses as may be directed, by the quarantine laws of the state, to which such city or town may belong.

Poor Passengers.

§ 43. "All passengers placed under quarantine, who shall be unable to maintain themselves, shall be provided for by the master of the vessel in which they shall have arrived.

§ 44. "If the master shall omit to provide for them, they shall be maintained on shore, and the expense of their maintenance be charged to their vessel; nor shall such vessel be permitted to leave the quarantine, until the moneys so expended shall have been repaid.

Sailors, when and how confined.

§ 45. "The health officer, upon the application of the master of any vessel under quarantine, and his consenting to pay for the maintenance of the offender whilst in custody, may direct to be confined in some suitable place on shore, any mate, sailor, or mariner on board of such vessel, who shall have committed an offence, punishable by the laws of this state or of the United States, and who cannot be properly secured for punishment on board of his vessel. Such confinement shall continue during the residue of the quarantine of the offender, or until he shall be proceeded against in due course of law; and the expenses of maintaining the offender, shall be

charged and paid in the same manner, as the expenses of maintaining poor passengers.

Quarantine of certain Vessels.

§ 46. "All vessels and persons remaining at quarantine on the first day of October, shall thereafter be subject to such quarantine and restrictions, as vessels or persons arriving on or after that day.

ARTICLE FOURTH.

Regulations Concerning the Treatment and Conduct of Vessels, Articles and Persons released from Quarantine, or exempt therefrom.

§ 47. "The master of every vessel released from quarantine, and arriving at the city of New York, shall, within twenty-four hours, after such arrival, deliver the permit of the health officer, at the office of the mayor and commissioners of health, or to such person as they shall direct.

Certain Vessels restricted to certain Bounds.

§ 48. "No vessel subject to a regular quarantine of two days, unless she shall have sailed from some port in the West Indies, or in America south of Louisiana and north of the equator, before the sixteenth day of May; or from some port in the United States south of Georgia, before the first day of June in the year of her arrival, shall, when released from quarantine, approach within three hundred yards of that part of the island of New York which lies southward of Bank street on the North River, and of Eighth street on the East River, until after the first day of October, in the year of her arrival; unless by virtue of a special permission to be granted under the circumstances mentioned in the three next following sections.

When Excepted:

§ 49. "If any such vessel shall have arrived from any place in the Mediterranean, in Asia, in America south of the equator, or from the Madeira, Canary, Cape de Verd, Western, Bermuda or Bahama islands, the mayor and commissioners of health, may, by a special permission in writing, direct her to be hauled to a wharf south of the bounds so prescribed; and in their discretion may first order her cargo, or any portion thereof to be unloaded, subject to their orders and regulations.

Inspector's Duty.

§ 50. "Where such order for unloading the cargo, shall have been made, the inspector of vessels, after such vessel shall have been unloaded, shall see that the vessel and ballast

are properly cleansed, and when the same are duly cleansed and purified, shall make his report to the mayor and commissioners of health.

Vessel to be located.

§ 51. "The mayor and commissioners of health may then direct the vessel to such wharf as they may deem proper; and no vessel being at a wharf pursuant to such direction, shall, without their permission in writing, depart thence, or change their berth, until the first day of the ensuing October.

Certain Cargoes may be landed.

§ 52. "If any coasting vessel subject to a regular quarantine of two days, shall be wholly laden with lumber or timber, the mayor and commissioners of health may permit her cargo to be discharged at any wharf they shall designate; but after such discharge, such vessel shall be subject to all restrictions in the preceding sections in this Article contained.

Certain Vessels may come to the Wharves.

§ 53. "Any vessel which has been regularly employed in trading to one port or island in the West Indies, or America south of Georgia and north of the equator, for the period of twelve months, immediately preceding her arrival at the port of New York, and the port or island being free from any yellow, bilious, malignant or any pestilential or infectious fever, as well as the crew and passengers, and having performed her regular quarantine of two days, and been properly ventilated, and permitted by the health officer to proceed to the stream, three hundred yards from the city, may be permitted by the mayor and commissioners of health, to come to the wharf with her cargo on board, on and after the first day of October, provided the cargo, in their opinion, is of a harmless character.

§ 54. "Any new vessel, or any other vessel not employed before in the West India, or Southern trade, south of Georgia, shall be subject to the same regulations as mentioned in the last preceding section, if employed in such regular trade, although she may be so employed for a less period than one year, provided she is in all other respects similarly circumstanced.

§ 55. "All vessels from the West India islands, and America south of Georgia and north of the equator, being healthy and from healthy parts, after performing two days quarantine, and being properly ventilated, and being permitted by the health officer to come to the stream, three hundred yards from the city, may, after their cargo shall have been discharged, and the vessel well cleaned and purified, be permitted by the mayor and com-

missioners of health, to come to such wharf as they may designate, to receive their outward cargoes, at any time after the first of October.

Cargoes of certain Vessels not to be brought into the City without Permit.

§ 56. " If any vessel subject to a regular quarantine of two days, shall have arrived from any place in the West Indies, or in America south of Georgia and north of the equator, or from any place on the continent, or the islands near the continent of Africa; or shall have been at any of the places so enumerated after the fifteenth day of May, in the year of her arrival, no portion of her cargo shall be brought into the city, before the first day of October, in the year of her arrival, until it shall have been inspected by an inspector of vessels, unless by a special permission in writing, of the mayor and commissioners of health.

Permit when granted.

§ 57. " When such inspector shall have made his report to the mayor and commissioners of health, they may direct such cargo, or any part thereof, to be brought into the city, subject to such regulations as they shall prescribe, or may order it to be landed at some suitable place out of the city, there to be detained at least twenty days and properly ventilated, and then to be brought into the city, subject to their regulations.

Certain Vessels not to approach the City.

§ 58. " No vessel subject to a regular quarantine of thirty days, when permitted to proceed, shall approach within three hundred yards of the city of New York, between the first day of June and the first day of October, in the year of her arrival.

Cargo not to be brought to the City.

§ 59. " No cargo or part of the cargo of any vessel, on board of which during her voyage, a case of any pestilential fever shall have occurred, shall be brought into the city of New York between the first day of June and the first day of November, except by the permission in writing of the board of health.

Certain Vessels not to approach the City.

§ 60. " No vessel arriving from any place in the United States north of Cape Henlopen, or in British North America, between the thirty-first day of May and the first day of October in any year, having on board West India produce, or merchandize, shall approach within three hundred yards of the island of New York, southward of the bounds before in this article prescribed, until permitted by the mayor and commissioners of health, or health officer.

When may be permitted.

§ 61. "If the master of any such vessel shall exhibit to the mayor and commissioners of health, such satisfactory proof as is required in the thirty-first section of this title, they may permit the vessel to be hauled to any wharf of the city, and such produce or merchandize may be there landed; otherwise it shall be sent to some suitable place out of the city, for purification, subject to their regulations.

Crews &c. not to enter the City.

§ 62. "No person who shall have been one of the crew, or a passenger in any vessel, at whatever place arriving, on board of which any person shall have been sick of any pestilential fever, shall enter the city of New York until fifteen days after the last case of such fever that shall have occurred on board of such vessel.

Clothing, &c. not to be brought into City.

§ 63. "No person shall bring into the city of New York any clothing, bedding or merchandize that shall have been on board of any such vessel as is referred to in the last preceding section, until such article shall have been cleansed and purified, and all such articles brought into the city contrary to this section, may be seized and sold by the commissioners of health, for the use of the marine hospital.

Certain Vessels may come up to City.

§ 64. "All vessels from any place in America south of Cape Henlopen, and north of the equator, or from either of the West India, Bahama, or Bermuda Islands, leaving such places at any time before the first day of July in any year, and proceeding from thence to a healthy port in Europe, and having no case of yellow, pestilential or infectious fever on board during the voyage, shall be allowed immediately on her return to New York, to come to such wharf of said city as the board of health may designate, after such vessel has been subjected to such quarantine and cleansing process as the board of health may be of opinion the health of the city requires.

§ 65. "All vessels arriving coastwise at the port of New York, after the first day of September in any year, from any port or ports in the United States or British North America north of Cape Henlopen, and shall have remained in such port or ports for thirty days, and which vessel shall not have been in any place in America south of Cape Henlopen, or in the West India, Bahama or Bermuda Islands, since the first day of July previous, and having had no case on board of yellow, pestilential or infectious fever or disease, since said first day.

of July, shall be allowed to come to the wharf in the city of New York, if the board of health consent thereto, after having been examined, pronounced healthy and permitted by said board.

Not to affect other Vessels.

§ 66. " All such vessels as are now exempt from quarantine under the fourteenth Chapter of the Revised Statutes, shall not be affected by the provisions of this act.

ARTICLE FIFTH.

Of the Regulation of Intercourse with Infected Places.

§ 67. [Sec. 64.] " The mayor of the city of New York, or the president, at the time, of the board of health, may issue his proclamation, declaring any place where there shall be reason to believe a pestilential or infectious fever actually exists, to be an infected place within the meaning of the health laws of this state.

Proclamation of Infected Places.

§ 68. " [Sec. 65] Such proclamation shall fix the period when it shall cease to have effect ; but such period, if they shall judge the public health to require it, may from time to time be extended by the board of health, and notice of such extension shall be published in one or more of the newspapers of the city.

Consequence of.

§ 69. [Sec. 66.] " After such proclamation shall have been issued, all vessels arriving in the port of New York from such infected place, shall be subject to a quarantine of at least thirty days, and, together with their officers, crews, passengers and cargoes, to all the provisions, regulations and penalties of this Chapter, in relation to vessels subject to a similar quarantine.

Powers of Board of Health.

§ 70. [Sec. 67.] The board of health may, in their discretion, prohibit or regulate the internal intercourse by land or water, between the city of New York and such infected place ; and may direct that all persons who shall come into the city of New York contrary to their prohibitions or regulations, shall be apprehended and conveyed to the vessel or place whence they last came ; or if sick, that they be conveyed to the marine hospital, or such other place as the board of health shall direct.

ARTICLE SIXTH.

Penalties for violating the Provisions of this Title.

§ 71. [Sec. 68.] " Every master of a vessel subject to quar-

antine, arriving in the port of New York, who shall refuse or neglect either,

1. "To proceed with and anchor his vessel at the place assigned for quarantine, at the time of his arrival :

2. "To submit his vessel, cargo and passengers, to the examination of the health officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought respectively to be subject :

3. "To remain with his vessel at quarantine during the period assigned for her quarantine ; and whilst at quarantine to comply with the directions and regulations of this chapter, and with such as any of the officers of health, by virtue of the authority given to them in this chapter, shall prescribe in relation to his vessel, his cargo, himself or his crew :

"Shall be considered guilty of a misdemeanor, punishable by fine or imprisonment ; the fine for each offence not to exceed two thousand dollars, nor the imprisonment twelve months.

§ 72. [Sec. 69.] "Every such master who shall violate the provisions of the thirty-ninth and forty-seventh sections of this title, by refusing or neglecting to comply with any of the directions in those sections respectively contained, shall be considered guilty of the like offence, and be subject for each offence to the like punishment.

§ 73. [Sec. 70.] "Every master of a vessel who shall violate the provisions of the thirtieth, thirty-first, sixtieth, and sixty-first sections of this title, by refusing or neglecting to comply with the directions therein contained, or with the orders and regulations of the mayor and commissioners of health by virtue of the authority therein given, shall be considered guilty of the like offence ; the fine not to exceed five hundred dollars, nor the imprisonment six months.

§ 74. [Sec. 71.] "Every master of a vessel hailed by pilot, who shall either,

1. Give false information to such pilot relative to the condition of his vessel, crew, passengers or cargo, or the health of the place or places whence he came, or refuse to give such information as shall be lawfully required :

2. Or land any person from his vessel, or unlade or transship any portion of his cargo before his vessel shall have been visited and examined by the health officer :

3. Or shall approach with his vessel nearer the city of New York than the place of quarantine to which he shall be directed :

"Shall be considered guilty of the like offence, and for each

offence shall be fined in a sum not exceeding five hundred dollars. And every person who shall land from any such vessel, or unlade or transship any portion of her cargo, under the like circumstances, shall be considered guilty of the like offence, and be subject to the like penalty.

Penalties for Violating certain Provisions.

§ 75. [Sec. 72.] “ Every person upon whom any duty is or shall be enjoined, or prohibition laid under the following sections, namely, the fourth, sixth, eighth, ninth, tenth, eleventh, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, twenty-eighth, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, and fifty-ninth sections of this title, who shall violate any provisions in the sections so enumerated, by refusing or neglecting to obey the directions, regulations or prohibitions therein contained, or such orders and regulations as shall be made by the officers of health therein named under the authority there given, shall be considered guilty of the like offence, and for each offence be fined in a sum not exceeding two thousand dollars, or imprisoned for a term not exceeding twelve months.

Obstructing Health Officer.

§ 76 [Sec. 73.] “ Every person who shall oppose or obstruct the health officer in performing the duties required of him in this Title, shall be considered guilty of the like offence; the fine for each offence not to exceed five hundred dollars, nor the imprisonment three months.

Entering Quarantine Ground.

§ 77. [Sec. 74.] “ Every person who, without the authority of the health officer or board of health, shall go within the enclosure of the quarantine ground, shall be considered guilty of the like offence; the fine for each offence not to exceed one hundred dollars, nor the imprisonment thirty days.

Violating § 37.

§ 78. [Sec. 75.] “ Every person who shall violate the prohibition of the thirty-seventh section of this Title, shall be considered guilty of the like offence, and be fined for each offence in a sum not exceeding fifty dollars.

Intercourse with Vessels.

§ 79. [Sec. 76.] “ Every person who shall go on board of, or have any communication, intercourse or dealing with any vessel at quarantine, without the permission of the health officer, shall be considered guilty of a misdemeanor, punishable by fine or imprisonment.

When Offenders Detained.

§ 80. [Sec. 77.] "Such offender shall also be detained at quarantine so long as the board of health shall direct, not to exceed twenty days, unless he shall be taken sick of some pestilential or infectious disease.

Notice of Offences.

§ 91. [Sec. 78.] "It shall be the duty of the health officer to give immediate information to the board of health, of every such transgression, the circumstances attending it, and the condition of the vessel with which a communication shall have been had, that the board may determine how long the offender ought to be detained at quarantine.

Violating § 36.

§ 82. [Sec. 79.] "Every master of a vessel who shall not comply with the directions of the thirty-sixth section of this Title, shall forfeit for each offence the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend.

Do. § 62 and 63.

§ 83. [Sec. 80.] "Every person who shall violate the prohibitions of the sixty-second and sixty-third sections of this Title, shall for each offence forfeit the sum of five hundred dollars.

Eloping from Quarantine.

§ 84. [Sec. 81.] "Every person under quarantine, shall be subject to the same penalty, who shall elope from or go beyond the bounds assigned to him for his quarantine; and it shall be the duty of every justice of the peace or other magistrate before whom any such offender shall be brought, to order him by warrant to be re-conveyed to the quarantine ground, there to remain for the residue of his term of quarantine.

Penalties on Pilots.

§ 85. [Sec. 82.] "Every pilot who shall refuse or neglect to perform the duties enjoined on him in any of the provisions contained in the second Article of this Title, shall be considered guilty of a misdemeanor, and shall be fined for each offence in a sum not exceeding two hundred dollars.

Proceedings against Pilots.

§ 86. [Sec. 83.] "Whenever the commissioners of health, or either of them, shall charge in writing any pilot with any violation or neglect of duty, the warden of the port shall suspend such pilot from his office, until he shall have entered into a recognizance before some magistrate in the city of New

York, in the sum of two hundred dollars, and with sufficient sureties, to appear and answer to the offence charged, at the next court of general sessions for the city and county of New York.

Violations of Article 5.

§ 87. [Sec. 84.] "Every person who shall violate the provisions of the fifth article of this title, by refusing or neglecting to obey or comply with any order, prohibition or regulation made by the board of health in the exercise of the powers therein conferred, shall be considered guilty of a misdemeanor, punishable by fine or imprisonment, in the discretion of the court by which the offender shall be tried.

CHAPTER XIV.

INSPECTION OF FLOUR, &c.

By the 1st volume of the Revised Statutes, page 531, every barrel of wheat flour, rye flour, Indian meal, or buckwheat meal, manufactured in this state, must be inspected and branded with certain letters expressive of its quality.

Two sections of this statute apply to shipmasters, and are as follows :

Penalty for shipping flour or meal not Inspected.

§ 14. "Every person who shall ship, or attempt to ship, for exportation from this state, any flour or meal not inspected and branded according to the provisions of this article, shall forfeit the same; and every person who shall have exported from this state, any such flour or meal, shall forfeit the sum of five dollars for every cask so exported.

Power and duties of Inspector.

§ 15. "Every inspector shall have power to enter on board of any vessel between sunrise and sunset, to search for flour or meal that he may suspect to have been shipped contrary to the provisions of this article; and every person who shall obstruct any inspector in the execution of his duty, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried."

INSPECTION OF BEEF AND PORK.

The 34th section of this statute is in these words :

Penalty.

§ 34. [Sec. 33.] "Every person who shall ship, or attempt to ship any beef or pork contrary to the provisions of the two last sections, shall forfeit the sum of fifteen dollars for every barrel and half-barrel so shipped or attempted to be shipped."

POT AND PEARL ASHES.

Powers and duties of Inspector.

§ 74. [Sec. 72.] "Every inspector of pot and pearl ashes shall have full power, and it shall be his duty, to enter on board of any ship or vessel, within the limits of the city or county, for which he is appointed, which he shall suspect to have on board any ashes shipped for exportation contrary to law, and to search for, and if discovered, to seize and take into his possession, all casks of ashes so illegally shipped.

Penalty on master and owner of Vessel.

§ 77. [Sec. 75.] "Every owner, consignee, and master of a vessel, who shall receive on board of his vessel for exportation, contrary to law, any cask of ashes not inspected and branded according to the provisions of this article, shall forfeit the sum of fifteen dollars for every cask so illegally shipped."

FISH.

§ 98. [Sec. 101.] "Every person who, contrary to the provisions of this article, shall export to any foreign port, or offer to sell for such exportation, any fish not duly inspected, shall forfeit a sum equal to the full value of the fish so exported or offered for sale."

FISH OR LIVER OIL.

Liver Oil to be Inspected.

§ 103. [Sec. 105.] "No liver oil, commonly called fish oil, shall be bought, sold, or bartered in, or in any manner shipped, exported or conveyed from the cities of New York, Albany and Troy, and the villages of Brooklyn, Lansingburgh and Waterford, unless it shall have been inspected, gauged and branded, agreeably to the provisions of this article."

By the 106th section, any person who shall convey uninspected liver oil, shall pay a penalty of twenty-five dollars for each offence.

INSPECTION OF LUMBER.

Timber, plank, &c. to be inspected.

§ 114. [Sec. 112.] "No timber, plank, boards, scantling or cypress shingles, shall be exported by sea from this state, to

any port out of the territorial limits of the United States, that shall not have been duly inspected by an inspector of lumber, according to the provisions of this article.

Penalty for shipping uninspected Lumber.

§ 118. [Sec. 116.] "Every person who shall ship on board of any vessel, for exportation to any foreign port, contrary to the provisions of this article, any lumber that has not been inspected by an inspector, shall forfeit for every thousand feet, superficial measure, so shipped, the sum of two dollars and fifty cents."

CULLING OF STAVES & HEADING.

Staves and heading to be inspected.

§ 131. [Sec. 128.] "No staves or heading shall be exported by sea from this state, to any port out of the territorial limits of the United States, unless they shall be inspected and culled in the manner hereinafter provided, and on such inspection shall be declared merchantable.

Penalty on shipper.

§ 143. [Sec. 140.] "Every person who shall ship for exportation, contrary to the provisions of this article, any staves or heading, shall forfeit five dollars for every thousand of such staves and heading so illegally shipped; and every master of a vessel shall forfeit two dollars and fifty cents for every thousand of staves and heading that he shall take on board his vessel, to be exported contrary to law."

INSPECTION OF FLAX-SEED.

§ 147. [Sec. 144.] "No flax-seed shall be shipped for exportation to any foreign market, from the city and county of New York, unless it shall have been inspected, approved and branded, according to the provisions of this article.

§ 152. [Sec. 149.] "Every person who shall lade, or attempt to lade, any vessel with flax-seed not inspected according to law, for the purpose of exporting the same from the city of New York, to any foreign place, shall forfeit for every such cask, the sum of ten dollars."

INSPECTION OF HOPS.

§ 164. [Sec. 160.] "No hops shall be exported from this state, until they shall have been submitted to the examination of an inspector of hops, and have been inspected by him, agreeably to the provisions of this article. All hops shipped for exportation, contrary to the provisions of this section, shall be forfeited."

By the sixth subdivision of 168th section the inspector is empowered to,

6. "Enter on board of every vessel within the limits of the city and county where he is authorized to inspect, to search for hops shipped or shipping contrary to the provisions of this article, and to seize and take into his possession all such hops discovered by him."

§ 171. [Sec. 167.] "Every master of a vessel who shall receive on board for exportation, any bags of hops, not inspected according to the provisions of this article, shall forfeit the sum of ten dollars for every bag so received by him."

CHAPTER XV.

STEAMBOATS.

NAVIGATION OF RIVERS.

Steamboats to pass on starboard side of each other.

§ 1. "Whenever any steam boats shall meet each other on the waters of the Hudson river, or on any other waters within the jurisdiction of this state, each boat so meeting shall go towards that side of the river or lake which is to the starboard or right side of such boat, so as to enable the boats so meeting to pass each other with safety.

Small boats to be disengaged before passengers put on board of them.

§ 2. "Whenever any passenger is about to be landed from any steam boat navigating the waters of this state, and such steam boat shall not be so near the shore, that the passenger can be landed immediately from the steam boat on the shore, no passenger shall be put or suffered to go into any small boat, for the purpose of being landed, until such small boat shall be completely afloat, and wholly disengaged from the steam boat, except by a painter.

When Engine to be stopped.

§ 3. "While any passenger is getting into a small boat, from a steam boat, for the purpose of being landed, the engine of the steam boat shall be stopped, and when any passenger is taken on board of any small boat belonging to any steam boat, the engine of such steam boat shall be stopped while such small boat is at the shore, and until such passenger shall have left the small boat and be on board of the steam boat, except as hereinafter specified.

When line may be used to land passengers, &c.

§ 4. "Passengers may be landed in a small boat by means of a line from the steam boat, and boats from the shore containing passengers may be drawn to a steam boat, by means of a line hauled in by hand; but in no case shall the line be attached to, or hauled in, by the machinery of the steam boat.

During landing &c. of passengers, Engine to stop.

§ 5. "During the time of landing and receiving any passenger, the engine of the steam boat shall not be put in motion, except,

1. To give sufficient force to carry the small boat to the shore; or,

2. To keep the steam boat in proper direction, and to prevent her from drifting or being driven on shore.

Oars in small boats.

§ 6. "In every small boat, while landing or receiving any passenger from or on board of any steam boat, there shall be kept a good and sufficient pair of oars suitable for such small boat; and in landing or receiving any passenger in the night time, there shall be a signal given from the small boat at the shore, by means of a horn or trumpet, to enable those having charge on board the steam boat, to determine when the small boat, having landed or received her passengers, is ready to leave the shore.

Navigation of Steam boats going the same direction.

§ 7. "Whenever any steam boat shall be going in the same direction with another steam boat ahead of it, it shall not be lawful to navigate the first-mentioned boat so as to approach, or pass the other boat so being ahead, within the distance of twenty yards; and it shall not be lawful so to navigate the steam boat so being ahead, as unnecessarily to bring it within twenty yards of the steam boat following it.

To carry Lights in night time.

§ 8. Whenever any steam boat shall be navigating in the night time, the master of such boat shall cause her to carry and show two good and sufficient lights, one of which shall be exposed near her bows, and the other near her stern, and the last shall be at least twenty feet above her deck.

Penalty for violating the last eight sections.

§ 9. "Every master of any steam boat, who shall violate either of the preceding eight sections, shall, for every such offence, forfeit the sum of two hundred and fifty dollars, to be sued for in the name of the people, by the district attorney

of any county bordering on the waters on which the offence shall have been committed, to whom notice shall first be given of the commission of such offence. The penalty, when recovered, shall be paid into the county treasury of the county for which such district attorney shall have been appointed, for the use of the poor of the county, except that the court in which the recovery shall be had, may order such portion thereof, not exceeding twenty-five dollars, as it shall deem just, to be paid to the district attorney by whom the suit shall have been prosecuted, as a compensation for his services and expenses, beyond the taxable costs to be recovered by him.

Owners liable for penalties incurred by masters.

§ 10 "The owners of every steam boat shall be deemed responsible for the good conduct of the masters employed by them; and if any penalty incurred by such master cannot be collected of him by due course of law, the same may be recovered from the owners of the boat in whose employ he was at the time such offence was committed, jointly and severally, in the same manner as if they were sureties of such master.

Punishment for attaching line to machinery of boat.

§ 11. "In case any line used for the purpose of landing or receiving passengers, shall be attached in any way to the machinery of any steam boat, or the small boat shall be hauled in by means of such machinery, the person having the command or charge of such steam boat, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had; but such fine shall not exceed two hundred and fifty dollars, and such imprisonment three months.

Vessels to show Lights in the night time.

§ 12. "Whenever any vessel navigating that part of the Hudson river which is north of the battery, at the southern extremity of New York, or navigating lake Champlain, shall be at anchor in the night time, the master of such vessel shall cause her peak to be lowered, and shall cause a good and sufficient light to be shown in some part of her rigging, at least twenty feet above her deck, and from her taffrail; under the penalty of fifty dollars, to be sued for and recovered, against the master of such vessel, by the overseers of the poor of the city or town in which the offence shall have been committed. And in case such penalty cannot be collected from the master, the owners of such vessel shall be liable therefor, as provided in the preceding tenth section.

§ 13. "The provisions of section tenth, (12th) title tenth, chap. 20th of the First Part of the Revised Statutes, shall extend to the harbor of New York, embracing the bay as far as the village of Castleton, on Staten Island, and thence up the East river as far as the south point of Blackwell's Island.

First 14 sections to be posted in every steam boat.

§ 14. [Sec. 13.] "It shall be the duty of the master of every steam boat navigating the waters of this state, to keep a copy of the first fourteen sections of this title posted in a conspicuous place in such boat, for the inspection of all persons on board the same; and in case of neglect herein, every such master shall forfeit at the rate of twenty-five dollars per month, for all the time during which he shall be guilty of such neglect, to be sued for and recovered in the name of the people of this state, by the district attorney of any county bordering on the waters on which the offence shall have been committed, to whom notice shall first be given of the commission of such offence. The penalty, when recovered, shall be for the use of the poor of the county for which the district attorney, by whom the suit shall have been prosecuted, was appointed.

Term "Master" defined.

§ 15. [Sec. 14.] "The term "master," whenever it occurs in the foregoing sections, shall be construed to apply to every person having, for the time, the charge, control or direction of any steam boat, or other vessel comprised within the provisions of those sections.

Prohibition against obstructions in the channel of Hudson River.

§ 16. [Sec. 15.] "No person shall make use of any set-nets, weirs, hoop-nets, or fikes in the channel of Hudson river, at any place between the city of New York and the state dam at Fort Edward; nor shall any person set, drive or place, or cause to be set, driven or placed, any hedge, stake, stone, post, pole, anchor, or any other fixture, for any purpose whatever, in the said channel, at any place within the points above specified.

Obstructions at and below New York.

§ 17. [Sec. 16.] "No person shall set or place, or cause to be set or placed, during the months of March, April or May, in any year, in any of the waters of this state at or below the city of New York, any fike-net, gill-net, hoop-net, set-net, or any other net or weir, by means of any hedge, stake, stone, post, pole, anchor, or any other fixture, to extend into the channel of said waters, or to any greater distance from the shore, in any case, than twenty rods from the ordinary low

water mark. Whoever shall violate the provisions of this or of the preceding section, shall, for every offence, forfeit the sum of one hundred and fifty dollars, for the use of the poor of the county in which such offence shall be committed, to be sued for in the name of the people, by the district attorney of any county bordering on the waters on which the offence shall have been committed, to whom notice shall first be given of the commission of such offence.

Last section qualified.

§ 18. [Sec. 17.] "The last preceding section shall not be construed to affect any special regulation heretofore made by law, and now in force, concerning the placing of nets or obstructions in the waters adjacent to Staten Island, and to the town of New Utrecht.

Provisions against obstructions out of channel of Hudson River.

§ 19. [Sec. 18.] "No person shall make use of any fike-net, gill-net, hoop-net, set-net, or any other net or weir, nor set, drive or place any hedge, stake, stone, post, pole, anchor, or any other fixture, in any part of Hudson river, out of the channel thereof, between the city of New York and the state dam at Fort Edward, other than such as are permitted to be used or placed for the purpose of catching fish, in the next title of this chapter. Whoever shall violate either of the provisions of this section, shall, for every offence, forfeit the sum of twenty-five dollars, for the use of the poor of the city or town in which such offence shall be committed; and shall be liable to indictment for a misdemeanor, punishable on conviction, by a fine not exceeding five dollars, or by imprisonment in a county jail not exceeding thirty days, or by both such fine and imprisonment."

MANSLAUGHTER.

The following sections of the Revised Statutes, apply to masters of vessels and steam boats, and are worthy of perusal.

§ 15. "Any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such a quantity of other lading that by means thereof such boat or vessel shall sink or everset, and thereby any human being shall be drowned or otherwise killed, shall be deemed guilty of manslaughter in the third degree.

§ 16. "If the captain, or any other person having charge of any steam boat used for the conveyance of passengers, or if the engineer or other person having charge of the boiler of such boat, or of any other apparatus for the generation of steam, shall, from ignorance or gross neglect, or for the pur-

pose of excelling any other boat in speed, create, or allow to be created, such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated, or any apparatus or machinery connected therewith, by which bursting or breaking any person shall be killed; every such captain, engineer or other person, shall be deemed guilty of manslaughter in the third degree.”—*Revised Statutes, vol. 2, page 551.*

Punishment for third degree of Manslaughter.

“If convicted of manslaughter in the third degree, shall be punished by imprisonment in the states prison for a term not more than four, and not less than two years.”

MISDEMEANORS.

§ 24. “Every person navigating any boat or vessel for gain, who shall wilfully receive so many passengers, or such a quantity of other lading, on board such boat or vessel, that by means thereof such boat or vessel shall sink or upset, and the life of any human being shall be endangered thereby, shall, upon conviction, be adjudged guilty of a misdemeanor.

§ 25. “If the captain, or any other person having charge of a steam boat used for the conveyance of passengers; or if the engineer or other person having charge of the boiler of such boat or of any apparatus therein, for the generation of steam, shall, from ignorance, or gross neglect, or for the purpose of excelling any other boat in speed, create, or allow to be created, such an undue quantity of steam as to burst or break the boiler or other apparatus in which such steam shall be generated, or any apparatus or machinery connected therewith, by which bursting or breaking, human life shall be endangered, every such captain, engineer or other person, shall be adjudged guilty of a misdemeanor.”

Punishment.

§ 45. “Every person who shall be convicted of any misdemeanor, the punishment of which is not prescribed in this or some other statute, shall be punished by imprisonment in a county jail not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

§ 46. “The court before which any person shall be convicted of an offence punishable by imprisonment in a county jail, may sentence such person to be imprisoned in a solitary cell in such jail, if any such be erected; but such imprisonment shall in no case exceed thirty days in the whole.”—*Revised Statutes, vol. 2, page 579.*

REGULATION OF THE SPEED OF STEAMBOATS.

The two first sections of the act to regulate the speed of steamboats, passed April 15th, 1839, were repealed and the sections below passed in their stead on May 2, 1844.

Restriction.

§ “ No steamboat navigating the Hudson river, shall proceed or be propelled with greater speed than at the rate of six miles an hour, while such boat is passing any part of the public works constructing in said river, during the time the said public works are under construction by the government of the United States, for the improvement of the navigation thereof south of the city of Albany, and between the said city of Albany and the city of Troy. And no steamboat navigating said river, shall pass that part of said river opposite the docks, piers or wharves in the city of Albany with greater speed than at the rate of six miles an hour.

Penalty.

§ 2. “ If any master of any steamboat, or any person having the charge or command of any steamboat, shall violate, or cause or permit to be violated, the provisions of the preceding section of this act, he shall, for every such offence, forfeit the sum of one hundred dollars, to be sued for in the name of the people, by the district attorney of any county bordering on the waters of that part of the said river on which the offence shall have been committed, to whom notice shall first be given of the commission of such offence. The penalty, when recovered, shall be paid into the county treasury of the county for which such district attorney shall have been appointed, for the use of the poor of the county.

Repeal.

§ 3 “ The first and second sections of the act entitled “An act to regulate the speed of steamboats,” passed April 15, 1839, are hereby repealed.

§ 4. “ This act to take effect immediately.”

The following sections of the statute, passed 15th April, 1839, are still in force.

§ 3. “ If the captain or any other person having charge of any steam boat navigating any waters, within the jurisdiction of this state, and used for the conveyance of passengers, or if the engineer or other person having charge of the boiler of such boat, or of any other apparatus for the generation of steam, shall, for the purpose of excelling any other boat in speed or for the purpose of increasing the speed of such boat,

create or allow to be created an undue or an unsafe quantity of steam, every such captain, engineer, or other person shall be deemed guilty of a misdemeanor, and shall also for every such offence forfeit the sum of five hundred dollars, to be sued for, in the name of the people, by the district attorney of any county of this state, to whom notice shall first be given of such offence; the penalty, when recovered, shall be paid as follows: fifty dollars to the informer, and the residue into the county treasury of the county for which such district attorney shall have been appointed, for the use of the poor of the county, except that the court in which the recovery shall be had may order such portion thereof, not exceeding fifty dollars, as it shall deem just, to be paid to the district attorney, by whom the suit shall have been prosecuted as a compensation for his services, beyond the taxable costs to be recovered by him.

§ 4. "If any penalty incurred by any captain or master of any steam boat, or by any person having charge thereof, or by any engineer or other person having charge of the boiler of such boat, or of any other apparatus for the generation of steam, and the penalties of this act cannot be collected of them by a due course of law, the same may be recovered in like manner as against them, of the owners of the boat in whose employ they were at the time such offence was committed, jointly and severally, as if such owners were sureties of such captains, master, engineer or other person.

§ 5. "It shall be the duty of the master of every steam boat navigating the waters of this state, to keep a copy of the third, fourth and fifth sections of this act posted in a conspicuous place in such boat, for the inspection of all persons on board the same; and in case of a neglect to comply with this provision, he shall be liable to the penalty inflicted by the fourteenth section of title ten, of chapter twenty of the first part of the Revised Statutes, to be sued for and applied in the manner prescribed in such section."

"AN ACT to protect Hudson and Poughkeepsie from fires from Steamboats.

(Passed March 29 1839)

Duty of Steamboat Commanders.

§ 1. "It shall be the duty of every captain or other person having charge of a steamboat navigating the Hudson river, and of every engineer and fireman thereof, to cause the dampers in the pipes or chimneys of said boats to be closed, or in some other manner to prevent the escape of sparks and coals from said chimneys or pipes while passing through the eastern side

of said river, opposite to or in front of the city of Hudson and village of Poughkeepsie, and while landing passengers or freight, and while lying at the docks or wharves of said city or village.

Penalty for Neglect.

§ 2. "Every such captain or other person having charge of such steamboat, and every engineer and fireman thereof, who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine, not exceeding one hundred dollars, or by imprisonment, not exceeding three months, or by both such fine and imprisonment.

Liability of Owners.

§ 3. "Every such person as aforesaid, and the owner or owners of such steamboats, shall be jointly and severally liable for all damages by fire occasioned by such violation.

Act to take effect.

§ 4. "This act shall take effect immediately."

UNCLAIMED TRUNKS & BAGGAGE.

AN ACT relative to unclaimed Trunks and Baggage.

(Passed May 2, 1837 Chap. 300. p 311)

Description to be entered in a Book.

§ 1. "The proprietor or proprietors of the several lines of stages, and the proprietors of the several canal boat lines, and the proprietors of the several steamboats, and the several incorporated railroad companies, and the keepers of the several inns and taverns within this state, who shall have any unclaimed trunks, boxes or baggage within his, their, or either of their custody, shall immediately enter the time the same was left, with a proper description thereof, in a book to be by them provided and kept for that purpose. In case the name and residence of the owner shall be ascertained, it shall be the duty of such person who shall have any such property as above specified to immediately notify the owner thereof by mail.

§ 2. "In case there shall not be any information obtained as to the owner, it shall be the duty of the person having the possession thereof, to make out a correct written description of all such property as shall have been unclaimed for thirty days, stating the time the same came into his possession, and forward said description to the editor of the state paper, whose duty it shall be, on the first Mondays of July, October, January and April in each year, to publish the same in the state paper once a week for three weeks successively.

§ 3. " In case the said property shall remain unclaimed for sixty days after the said publication, it shall be the duty of the person or company having possession thereof, to apply to a magistrate of the town or city in which said property is retained, in whose presence and under whose direction said property shall be opened and examined, and an inventory thereof taken by said magistrate; and if the name and residence of the owner is ascertained by such examination, it shall be the duty of the magistrate forthwith to direct a notice thereof to such owner, by mail: and if said property shall remain unclaimed for three months after such examination, it shall be the further duty of the person or company having possession thereof to apply to a magistrate as aforesaid; and if said magistrate shall deem such property of sufficient value, he shall cause the same to be sold at public auction, giving six days previous notice of the time and place of sale; and from the proceeds of such sale he shall pay the charges and expenses legally incurred in respect to said property, or a ratable proportion thereof to each claimant, if insufficient for the payment of the whole amount: and the balance of the proceeds of such sale, if any, the said magistrate shall immediately pay to the overseers of the poor of said town or city, for the use of the poor thereof; and the said overseers shall make an entry of such amount, and the time of receiving the same, upon their official records, and it shall be subject, at any time within seven years thereafter, to be reclaimed by, and refunded to, the owner of such property, his heirs or assigns, on satisfactory proof of such ownership.

Expenses to be a Lien on Property.

§ 4. " The person making the entry of unclaimed property as above specified, shall be entitled to twelve and a half cents for each trunk, box, bale, package or bundle so entered, and shall have a lien on the property so entered, until payment shall be made; and in case any additional expense shall be incurred for printing, the lien shall continue until payment shall be made for such additional expense.

§ 5. " In case any person shall neglect or refuse to comply with the provisions of this act, he shall forfeit the sum of five dollars for each and every trunk, box or bundle of baggage so neglected as above specified, to the benefit of any person who shall sue for the same, in his own name, in an action of debt in any court having cognizance thereof."—*See General Statutes, page 542.*

GOODS ON FREIGHT.

“AN ACT to amend so much of part second of chapter five of the Revised Statutes, as relates to attachments against non-residents or absconding debtors.

(Passed May 25, 1841.)

§ 1. “It shall be lawful for the owners or masters of any ship or vessel on board of which the goods of any non-resident, concealed or absconding debtor shall have been shipped in good faith, for the purpose of transportation, without reshipment or transshipment in this state, to any port or place out of this state, to transport and deliver such goods according to their destination, notwithstanding the issuing of any attachment against such debtor, unless the attaching creditor, his agent or attorney, shall execute a bond with sufficient sureties to any or either of the owners or masters of the vessel on board of which such goods shall be shipped, conditioned to pay such owner or master all expenses, damages and charges which may be incurred by such owners or master or to which they may be subjected for unlading said goods from said vessel, and for all necessary detention of said vessel for that purpose.

§ 2. “This act shall not extend to any case where such owner or master, either before or at the time of the shipment of such goods, shall have received actual information of the issuing of such attachment, nor where the owner or the master of any vessel have in any wise connived at or been privy to the shipment of such goods for the purpose of screening them from legal process, or for the purpose of hindering, delaying or defrauding creditors.”

The foregoing pages contain all the Laws of the State of New York, and the ordinances of the Corporation of the City of New York on the subject proposed by this compilation. The Laws of the United States of America, as found in the Acts of Congress and in the decisions of the Supreme Court, will form the subject matter of another compilation now in progress, and which will be ready for distribution at an early period.

SHIPMASTER'S DIRECTORY,

FOR THE

PORT OF NEW YORK.

Shipmasters will here find the address of established Ship Chandlers, Merchants, Shipwrights, Ship Smiths, Sailmakers, Caulkers, and persons engaged in furnishing every material for fitting vessels for sea.

SHIP CHANDLERS.

A.

Atkins, Edwin,38 South street.
Aymar, Samuel, 50 South street.
Arrosmith, Benjamin E., 125 Broad.

B.

Burr, I. A.,109 South street.
Bloomfield, S. & E. S., 13 South street.
Bayles, N. H., 196 South street.
Banker, Edward,49 South street.
Bailey, Wm. S., 162 South street.

C.

Cadmus & Clough,195 West street.
Coles & Thorn,91 West street.
Collis & Mitchell,175 South street.
Coffin, A. James, 21 Coenties Slip.

D.

Dellatorre, Joseph, 283 Front street.

F.

Freeborn, William A., 254 South street.
Franklin, H. George,173 West street.

G.

Gurnee, W. Francis,412 West street.

H.

Hutchinson, Ira, 304 West street.
Hicks, Bailey & Co., 162 South street.

SHIP CHANDLERS.

Hazard, James, 302 South street.
Hicks, Robert & Sons, 86 South street.
Hance, John, 210 South street.

J.

Jenkins, B. William, 145 West street.
Judah, Samuel N., 46 West street.

K.

Katterhorn, Herman, 19 Coenties Slip.

L

Lewis & Co., 23 South street.
Lewis, K. & Co., 260 South street.

M.

Merritt & Co., 58 South street.
Mott, Horatio, 313 West street.
Mitchell, L. Wm., 175 South street.

N.

Nelson, S. C. & Co 183 West street.

P.

Pratt, Charles H., 85 South street.
Phillips, Imas N., 85 Pike Slip.

Q.

Quintard, George W., 28 South street.

R.

Robinson, Samuel P., 118 Wall street.
Roberts & Michael, 118 West street.
Ring, George W., 232 South street.
Roberts, Edward I., 232 South street.

S.

Squire, L. Lewis, 283 Front street.
Squire, N. Horatio, cor. West and Rector.
Sandford, Michael, 331 West street.
Secor, A. Charles & Co., 68 West street.
Stiles, W. John, 39 South street.
Schermerhorn & Banker, 49 South street.
Shear, Waldron, 303 West street

T

Tyson & Judah, 46 West street.
Terry, M. Charles, 106 South street

SHIP CHANDLERS.

iii.

U.

Underwood, Wm. H., 32 Old Slip.

W.

Wright & Roberts, 232 Front street.

Wendall & Abbott, 83 South street.

Walsh, Thaddeus H., 260 South street.

Williams & Hinman, 169 South street.

Ward, James O., 27 South street.

SHIP AND PROVISION STORES.

A.

Ashbey, Samuel B., 105 South street.

Ayres & Tunis, 4 South street.

B.

Baldwin & Jewell, King cor. West street.

Beers & Bogart, 177 South street.

Belden, David, 170 West street.

Bell, George & Co., 107 South street.

C.

Cocks, John D., 192 South street.

Coddington, Charles, 111 South street.

Coggeshall & Tappin, 187 South street.

Cole, Barnet, 54 West street.

D.

Dibble, Joseph D., 106 West street.

F.

Felch, Charles, 60 South street.

Frisby, Edward, 31 South street.

Fish, James D., 105 South street.

G.

Gibney, John, 175 West street.

Gilmore & Carroll, 278 Water street.

H.

Horton, J. A., 199 South street.

Haight, George L., 205 West street.

J.

Jessup, Silas H., 178 West street.

K.

- Kirtland, Gilbert A.**, 205 South street.
Keily, Lawrence, 84 West street.

M.

- Marsh, A. & W. F.**, 153 West street.

R.

- Radford, Wm.** 202 West street.

S.

- Sherman & Stark**, 29 South street.
Spafford, John, cor. West and King street.
Schermerhorn, V. Corl, 416 West street.
Scott, James, 188 South street.

U.

- Underhill & Boole**, 181 South street.

V.

- Vanhorn, Theodore**, 157 West street.
Vankleeck, Edgar, 172 West street.
Vannostrand, Henry D., 116 West street.

W.

- Wickoff, Samuel S. & Co.**, 102 Vesey street.
Walton & Badger, 191 South street.

SAILMAKERS.

B.

- Bennet & Stewart**, 308 West street.
Armour, John A., 167 South street
Bakewell, Jos., 85 West street.
Bakewell, Thos., 167 South street.

C.

- Crolius, Edward**, cor. of Christopher and West.
Cartwright, Wm., 106 South street.

D.

- Dugan, William T.**, 1 South street.

E.

- Elsworth, William**, 195 West street.

F.

- Folger, Charles M.**, 67 South street.

SAILMAKERS.

v.

G.

Glin, Mc James, 304 West street.

H.

Huxley & Co, 91 West street.

M.

Macy & Rich, 169 South street.

P.

Patterson, George, 315 Front street.

Palmer, John, 333 Front street.

SHIPWRIGHTS, CAULKERS AND SPAR MAKERS.

D.

Dayton, John H, 158 Christopher street.

Denike, Isaac, 712 Water street.

Denike, Abrm, 705 Water street.

F.

Freure, Marcus, 582 Water street.

G.

Gould, Charles, 610 Water street.

Green, Edward, 682 Water street.

J.

Jubo, Peter, 679 Water street.

Jones, Joseph, 486 Water street.

N.

Namara, Mc, Peter, 230 South street.

P.

Poillion, Cornelius, 443 Water street.

Parson, John, 412 Water street.

Phillips, Francis, 336 Front street.

R.

Ruck, Peter,..... 34 Jay street.

S.

Secor, Francis, 68 West street.

Sarvis, Robert, 657 Water street.

Saffen, James L, 683 Water street.

T.

- Thompson, John W.** 19 Front street.
- Trussell, Richard,** 243 South street.

V.

- Valentine, George V** , 335 Front street.
- Vanhorn, John,** 612 Water street.

W.

- Wood & Ballou,** 87 Market Slip.
- Waldron, James,** 486 Water street.
- Webb, Samuel,** 54 West street.

SHIP JOINERS.

E.

- Ellsworth, Daniel S,** 431 Water street.

G.

- Green, William,** 207 Seventh street.
- Gilbert, John S,** 266 South street.
- Johnston, Thos J,** 44 West street.
- Jarvis, Brewster,** 482 Water street.

R.

- Reeves, Jarvis,** 88 Pike Slip.

T.

- Terry, R. V.,** 125 Warren street.

W.

- Wilson, Elijah,** 242 South street.

SHIP SMITHS.

A.

- Atkinson, Richard,** 52 West street.
- Anderson, Joseph G.** 281 Front street.

H.

- Hesketh, Joseph,** 204 West street.
- Hesketh, Wm.,** 287 West street.

SHIP SMITHS.

vii.

P.

Place, S. R., 247 South street.

R.

Roberts, Stephen, 292 Front street.

W.

Waldron, James, 486 Water street.

BLOCK MAKERS.

M.

Morton, T. Joseph, 50 West street.

Mitchell, John, 92 Market Slip.

S.

Staples, Geo. W., 36 Burling Slip.

BOAT BUILDERS.

D.

Darling, Wm. H., 403 Water street.

E.

Elmore, Wm., 351 Front street

I.

Ingersoll, L. Chandler, 406 Water street.

P.

Pearsall, H. Samuel, East 16th st., near E. River.

T.

Tobey, John L., 309, West street.

Tollerton, Robert V., 406 Water street.

W.

Waterbury, Franklin, 482 Water street.

Webb, John B., 716 Water street.

Weekes, Richd. P., 694 Water street.

C.

Clark, Jonah,90 South street.

D.

Dill, James, 98 Wall street.

G.

Goin, Poole & Pentz,39 Burling Slip.

Goin, Thomas, 39 Burling Slip.

RIGGERS.

A.

Anderson, George, 150 Chamber street.

D.

Deluce, Joseph Antonio, 639 Water street.

Dorien, Wm., Rutgers cor. South street.

E.

Etheredge, Thomas, 516 Water street.

F.

Fuller, Benjn , 182 South street.

J.

Junior, David,South cor. Rutgers.

NAUTICAL INSTRUMENT MAKERS.

B.

Blunt, E. & G. W. ..199 Water st., cor. Burling Slip.

Brown E. & Son,.....No. 27 Fulton Slip.

D.

Davis, William C......118 John street.

K.

Kutz, Erasmus A......180 Water st.

M.

Megarey A......No. 190 Water street.

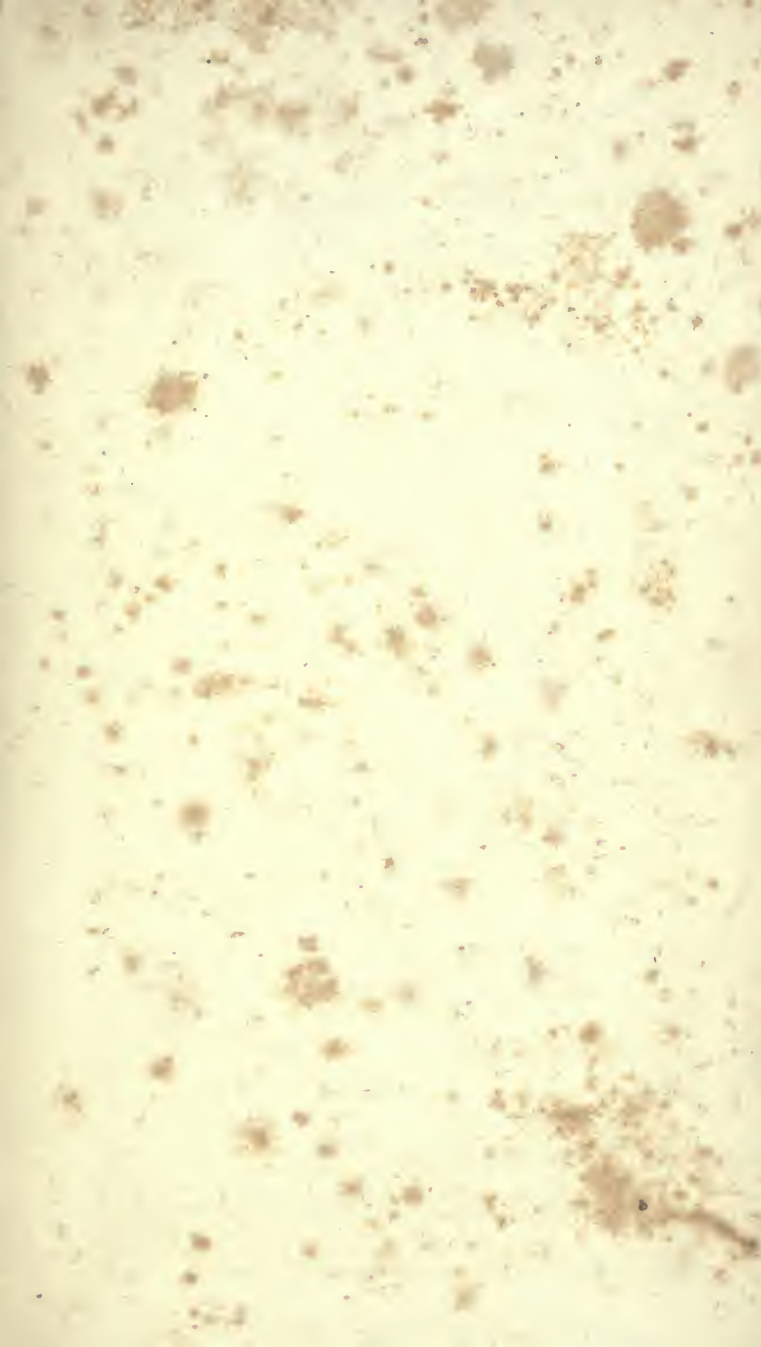
S.

Shaw & Co...... cor. Beekman st., and Water.

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