

a certificate of the corporate name of such association, as required by the second section, all the right, title and interest of any association heretofore incorporated, in any estate, real or personal, shall be vested in the said body corporate and politic so created, and the original incorporation of such association shall be null and void.

Trustees have power to issue certificates of membership and grant diplomas.

25. SEC. 9. That the trustees shall have power to issue certificates of membership, to adopt rules and regulations for the examination of candidates, and to grant diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college; students who have attended one course of lectures in any other regularly-constituted college of pharmacy may be entitled to graduate after attending one course of lectures in this college and complying with other requisitions provided herein, and in the by-laws of said college.

May confer degrees on graduates in pharmacy.

26. SEC. 10. That the trustees have power to grant the degree of graduate in pharmacy conferred by the college since its incorporation; it is authorized, from and after January first, one thousand eight hundred and ninety-five, to grant the degree of master in pharmacy to such of its former graduates or other persons as have attained high distinction in the profession of pharmacy, and have contributed by their labors and writings to the stock of professional knowledge in any of the branches of pharmaceutical science.

Associations not incorporated may be incorporated under this act.

27. SEC. 11. That any association of persons heretofore organized, but not incorporated, for the general purposes and the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes, in law and in fact, upon the trustees filing a certificate of the corporate name of such association, as required by the second section; and all the right, title and interest of any such association in any property, privileges or franchises, shall be vested in the said body corporate and politic so created; and the trustees, or other officers heretofore elected or appointed, shall hold their offices for the terms for which they were elected, respectively, and until others are elected in their place.

Legislature may alter or repeal act or annul charters.

28. SEC. 12. That the legislature may, at any time, alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and the same shall take effect immediately.

Pilots.

1. Amended by sections 51, 52 and 56.
2. To certify appointment of pilot.
3. Pilot's oath.
4. Examination of applicants.
5. Fresh licenses taken out.
6. Power of removal.
7. Power to make rules.
8. Penalty on pilot for neglect.
9. Penalty for refusal to do duty.
10. Penalty for carelessness.
11. Repealed.
12. Commissioners disinterested.
13. Pilot's pay if carried to sea.
14. May receive pilotage, rates.
15. Fees for detention.
16. Fees for extra services.
17. Refusal of master to receive.
18. Of apprentices.
19. Who exclusively employed.
20. Precaution to be used.
21. Taxation or certificate of pilotage.
22. Penalty for intoxication.
23. How penalties applied.
24. Amended by sections 54 and 58.
25. Pilot's bond and license.
26. Commissioners' annual report.
27. Fees of commissioners.
28. Pay of pilot carried to sea.

29. Fees for pilotage.
30. Pilotage on merchant vessels outward.
31. Rates for intermediate distances.
32. Fees for detention on wharf.
33. Pilotage, to whom payable.
34. Masters of vessels to give to pilot draught of vessel.
35. Fees for moving vessel in New York harbor.
36. Additional fees between November and April.
37. Penalty for piloting without holding license.
38. President of board may administer oath.
39. Penalty for neglect by pilot.
40. Penalty for carelessness.
41. Repealer.
42. From whom commissioners to be selected.
43. Appeal from commissioners to governor.
44. Appeal operates as a supersedeas.
45. Stationing of pilot boats.
46. One apprentice to every boat.
47. Repealer.
48. New Jersey coasting vessels not required to employ licensed pilot.
49. Repealer.
50. When apprentice may be licensed as pilot.
51. Amended by sections 52 and 56.
52. Amended by section 56.
53. This section executed.
54. Amended by section 58.
55. Supplanted by section 5

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| <p>56. Appointment and term of commissioners. Vacancies, how filled. Branch pilots, how authorized.</p> <p>57. Terms of present commissioners, when to expire.</p> <p>58. Pilots to account for fees. Compensation of commissioners.</p> <p>59. Boats to have but one apprentice each. Term of service.</p> <p>60. Repealer.</p> <p>61. Board to designate pilots to be employed in rotation.</p> <p>62. Annual appropriation to board of commissioners.</p> <p>63. Treasurer authorized to pay appropriation.</p> <p>64. Unlawful to place or throw refuse, &c., into certain navigable waters.</p> | <p>65. Penalty for so doing.</p> <p>66. Commissioners may seize any boat from which persons are found violating act.</p> <p>67. Violations, how prosecuted.</p> <p>68. Disposal of fines.</p> <p>69. Rights of riparian commissioners not affected.</p> <p>70. Appropriation for carrying out provisions of act.</p> <p>71. Appropriation not to be used for other purposes.</p> |
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An act to establish and regulate pilots, for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook.

Approved April 17, 1846. R. S. 1049.

1. [Amended by Secs. 51, 52 and 56, *post.*]

2. That the commissioners of pilotage shall give to every person appointed by them as a branch pilot or deputy pilot, a certificate of his appointment, signed by a majority of them, or by their chairman, or by their direction; which certificate shall be presented to the governor.

Certificates to be given.

3. That whenever any person shall produce to the governor, or in case of his absence from the seat of government, to the secretary of state, a certificate of the aforesaid tenor, from the commissioners of pilotage, or a majority of them, the said governor or secretary of state, as the case may be, shall administer to such person the following oath or affirmation, to wit: I, A. B., do solemnly swear (or affirm), that I will well and faithfully, and according to the best of my skill and knowledge, execute and discharge the business and duty of a ——— branch pilot for the bar, Jersey City, Newark, and Perth Amboy and harbor of Sandy Hook, and that I will at all times use my best endeavors to repair on board all ships and vessels that I shall see and conceive to be bound for, or coming into, or going out of the harbor aforesaid, unless I am well assured that some other licensed pilot is then on board the same; and I do further swear (or affirm), that I will, from time to time and at all times, make the best dispatch in my power to bring safely over the bar at Sandy Hook, every vessel committed to my care in coming in or going out; and that I will, from time to time and at all times, truly observe, follow, and fulfill, to the best of my skill, ability, and knowledge, all such orders and directions as I shall or may receive from the commissioners of pilotage, relative to all matters or things that may appertain to the duty of a pilot; and further, that I will not be copartner with more than twelve pilots at the same time, in any affair relative or incident to the business, duty, or office of a pilot.

Oath to be administered.

4. That it shall be the duty of the said commissioners, before they grant a branch or license to any person applying therefor, to call such applicant before them, and in the presence of one or more of the branch pilots of this state, who shall be personally notified to attend for the purpose, or in case of the non-attendance of the pilot or pilots who shall be so notified to attend for that purpose, then without the assistance or presence of any branch pilot, to examine such person so applying for a branch or license to act as a pilot or deputy pilot, or to cause him to be examined touching his qualifications for such an employment, and in particular, touching his knowledge of the tides, soundings, bearings, and distances of the several shoals, rocks, bars, and points of land, in the navigation for which he applies for a branch or license to act as a pilot or deputy pilot.

Examination of applicants.

5. That the commissioners of pilotage shall have power and authority to order and direct all pilots for the bar and harbor aforesaid, to deliver up their former, and to take out fresh licenses whenever so required; but no pilot shall be charged with any fee upon receiving a new license as aforesaid; and every pilot not complying with these conditions, or any of them, shall forthwith forfeit his license, and shall be disqualified to act as a pilot for twelve months, and shall afterwards obtain no pilot's branch, unless he be re-admitted under the same formalities as one applying in the first instance.

When fresh licenses to be taken out.

Power to take away license.

When pilot shall cease to act.

Proviso.

Power to make rules.

To fine for misbehavior.

Penalty on pilot for neglect.

His duty, and penalty for refusal.

Shall show his license.

6. That the commissioners of pilotage, and a majority of them, shall have power and authority to take away the branch of any pilot or deputy pilot, (a) and to declare his license null and void, whenever it shall appear to them that such pilot has willfully infringed or violated this act or the orders of the commissioners, or that he hath negligently and carelessly lost any vessel under his care, or that he is laboring under a mental derangement, so as to be incapable of attending to business, or that he is so addicted to the habits of intoxication as to be unfit to be entrusted with the charge of a vessel; and if any pilot hath forfeited his branch, or is no longer entitled to the use of his license by virtue of this or the foregoing clause, the commissioners of pilotage shall have power to call on him for the surrender of his license; and if he shall refuse to give up the same upon demand, the latter shall notify for one week, in the public papers of Jersey City, Newark, or in such paper as they shall deem necessary, that such person has no longer a right to act as a pilot until he is reinstated according to law; *provided*, that before any pilot shall be deprived of his branch or license, or suspended from acting thereunder, such pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode at least fifteen days before the time specified therein for his appearance, to appear before the said commissioners at such time as shall be specified in the said notice, to show cause, if any he may have, against his suspension or the revocation of his branch or license; and if such pilot shall neglect or refuse to appear at the time specified in such notice before the said commissioners, or if the cause shown by such pilot against his suspension or the revocation of his branch or license shall not appear sufficient and satisfactory to the said commissioners, it shall and may be lawful for them either to revoke the branch or license of such pilot, or to suspend him from acting as a pilot, as they may judge proper.

7. That the said commissioners shall have full power and authority to make and establish such rules, orders and regulations, not inconsistent with the constitution or the laws of this state or of the United States, for the better government of the said pilots, and with such fines and penalties for the breach thereof, as they shall deem proper, and the same from time to time to revoke or amend; and the commissioners, or a majority of them, are hereby authorized, upon due proof of misbehavior of a pilot, when in the execution of his duty, after due notice and hearing of such pilot, to fine such pilot, not exceeding twenty-five dollars, or to suspend him.

8. That when any pilot or deputy pilot shall see a vessel on the coast having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, when it is practicable for him to do so, such pilot shall, on conviction, forfeit and pay one hundred dollars, to be recovered by action of debt in any court of record, one-half to the informer, the other half to the master of such vessel; and may, upon proof thereof, be rendered by the commissioners incapable of acting again as a pilot or deputy pilot. [See Sec. 39, *post*.]

9. That every pilot cruising or standing out to sea shall offer his services first to the vessel nearest the land, or in most distress, under the penalty of fifty dollars; and if any pilot, not being hindered by sickness or other lawful cause, shall refuse to go on board any vessel, when required by the master, to execute his office, such pilot shall forfeit and pay the sum of one hundred dollars; and in either case, upon complaint and conviction before the commissioners, such pilot shall be liable to be suspended by them for such time as they shall think fit; and every pilot, on offering his services to the master of any vessel, shall produce and show to such master his warrant of appointment and license granted him in virtue of this act, under the penalty of ten dollars for every neglect.

(a) Where a pilot is tried before the commissioners for neglect of duty, he cannot lawfully be tried on any other charge than that for which he is cited to answer. *State v. Nemy*, 5 *Dutch*, 189. If they suspend him for a certain length of time, they cannot afterwards retry him for the same offense and

inflict additional punishment. *Id.* When the term for which he was suspended expires, he can perform his duties as a pilot under his license, and the commissioners have no right, as an additional punishment, to revoke his license. *Id.*

10. That if any pilot or deputy pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall forever after such conviction be incapable of acting as pilot or deputy pilot in this state, and shall be also liable, by action at common law, to pay all such damages as any person shall sustain by such negligence or carelessness; and if any pilot or deputy pilot shall run any vessel on shore, he shall not be entitled to any pilotage; and if by negligence, he shall also be liable, by action at common law, to pay all damages occasioned thereby. [See Sec. 40, *post.*]

Penalty for carelessness.

11. [Repealed by P. L. 1895, p. 142.]

12. That no commissioner shall be concerned or have any interest in the pilotage business.

Commissioners to have no interest.

13. That if any vessel going out shall carry off to sea, through the default of the owner or master of such vessel, any pilot or deputy pilot, when a boat is attending to receive such pilot from on board such vessel, the master or owner or consignee of such vessel shall pay the board of commissioners aforesaid, for the use of such pilot, besides the pilotage of such vessel, at and after the rate of seventy-five dollars per month, until such pilot shall return to the port of Jersey City, Newark or Perth Amboy, as the case may be. [See Sec. 28, *post.*]

Pilot's pay if carried to sea.

14. That it shall and may be lawful for every branch pilot or deputy pilot, duly appointed and licensed, to ask and receive pilotage from any person or persons who shall employ him to pilot any vessel from the eastward or southward of the White Buoy, situate on the eastern edge of the Outer Middle Ground, near the bar, to the port of Jersey City, Newark or Perth Amboy, and shall there safely moor such vessel, or take her to a proper wharf, as the master, owner or consignee of such vessel may desire; and, likewise, from any person or persons who shall employ him to pilot any ship or other vessel from port, to the eastward or southward of said White Buoy, so far that such vessel may safely proceed to sea, at and after the following rates, that is to say: for vessels of the United States, and for vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, the sums following, viz.: for every vessel drawing less than fourteen feet, any sum not exceeding two dollars for every foot such vessel shall draw; for every vessel drawing fourteen feet and less than eighteen feet, any sum not exceeding two dollars and fifty cents for every foot such vessel shall draw; and for every vessel drawing eighteen feet and upwards, any sum not exceeding three dollars for every foot such vessel shall draw; and for all vessels of war, any sum not exceeding five dollars for every foot such vessel shall draw; and for all other vessels, an addition of one-fourth to the above rates; and further, if the master or owner of any vessel having a pilot on board shall choose to have his said vessel, not destined to Jersey City, Newark or Perth Amboy as aforesaid, moored at any place within Sandy Hook, such pilot shall be allowed the same rate of pilotage as if the said ship or vessel was moored or conducted to a proper wharf, as aforesaid, and shall be entitled to his discharge from such ship or vessel within twenty-four hours thereafter; provided, that no more than half pilotage, at the rates aforesaid, shall be demanded or received by any such pilot who shall, to the westward of the said White Buoy, take charge of any vessel coming into port; and provided also, that no pilotage whatever shall be demanded or received by any such pilot for any such vessel coming into port, unless such pilot shall take charge of such vessel to the southward of the Upper Middle Ground, and such vessel be at least of the burthen of one hundred tons, unless such vessel shall make the usual signal for a pilot, in which case it shall be the duty of such pilot to take charge of such vessel, and such pilot shall then be entitled to half pilotage therefor, as aforesaid; and further, that between the first day of November and the first day of April, inclusive, in every year, such pilot may ask and receive the additional sum of four dollars for every vessel drawing ten feet and upwards, and for every vessel drawing less than ten feet, the additional sum of two dollars, and one-half of such

May receive pilotage.

Rates of.

Half pilotage.

Proviso.

Additional pilotage.

additional sum for half pilotage; and it shall be lawful for every pilot and deputy pilot to ask and receive from any person or persons who shall employ him to pilot any vessel, and which shall be taken in charge by such pilot at such distance from land as that Sandy Hook lighthouse cannot be seen from the deck of such vessel in the daytime in fair weather, the addition of one-fourth to the rates of pilotage allowed by this act. [See Secs. 29, 30, 31 and 36, *post.*]

Fees for detention.

15. That for every day which any pilot or deputy pilot shall be requested to remain or be detained on board any ship or vessel, by the master, owner or consignee, over and above the usual detentions of getting ships or vessels from the wharf to sea, and from sea to the wharf, he may demand and receive the sum of three dollars per day for each and every day he shall be so detained. [See Sec. 32, *post.*]

Fees for extra services.

16. That every pilot or deputy pilot who shall have exerted himself for the preservation of any vessel appearing to be in distress, and in want of a pilot, shall be entitled for any extraordinary services to such sum as the pilot and master, owner or consignee can agree on, or in case of not agreeing, as the commissioners shall determine to be a reasonable reward.

Master refusing pilot, to pay half pilotage.

17. That if the master of any vessel (except schooners and sloops employed in the coasting trade licensed for that purpose, and not making the usual signal for a pilot), coming into the ports of Jersey City, Newark and Perth Amboy, or into any of the waters of New Jersey, shall refuse to receive on board and employ a pilot who shall have offered to go on board and to take charge of the pilotage of such vessel, the master, owner or consignee of such vessel shall pay to the pilot half pilotage, from the place at which such pilot shall have offered himself to the port of destination; but no half pilotage shall be collected from any vessel in charge of a New York pilot.

Apprentices.

18. That to each and every boat in the pilot service, to and from Sandy Hook, there shall be not less than two apprentices, who shall be indented to the master of the said boat or boats, or some other branch pilot attached to the said boat or boats, for a term not less than four years; and it shall be the duty of the master pilot to whom such apprentices shall be indented, to attend diligently to the instruction of said apprentices in the art and mystery of a pilot, from time to time, and, not less than once in every month of the last two years of the said apprenticeship, to take such apprentices on board of ships or other square-rigged vessels, for the purpose of teaching said apprentices to work and manœuver such ships or vessels; every person who shall have served four years as an apprentice to a licensed pilot, and two years as a deputy pilot, shall be entitled to be examined and licensed as a branch pilot, if found qualified, in preference to any other applicants; and every person having served four years as an apprentice to a licensed pilot, shall be entitled to be examined and licensed as a deputy pilot, if found qualified, in preference to any other applicants; and further, that the said commissioners shall annually, in the month of May, cause all the said apprentices to be examined in their office, in the presence of two or more of the branch pilots (who are hereby required to attend for that purpose), touching and concerning their knowledge of the tides, bearing and distances of the several shoals, reefs, bars, and points of land, currents, and every other matter the said commissioners may think proper, tending to promote the safe navigation of vessels between Jersey City, Newark, Perth Amboy and Sandy Hook.

Instruction of.

Examined and licensed.

Annual examination.

Who exclusively employed.

19. That the branch pilots, deputy pilots, and apprentices indented as above mentioned, and boat keepers (to be selected from the apprentices) shall be the only persons employed in the pilot service to and from Sandy Hook.

Heaving the lead.

20. That it shall be the duty of every pilot or deputy pilot, upon taking charge of any vessel, either outward or inward bound, to cause the lead to be regularly hove, and to see that the lead-line is properly marked, and in default thereof, that he forfeit his pilotage.

21. That in case the owner or consignee of any vessel shall not be satisfied with the amount of pilotage charged against such vessel, for the pilotage of such vessel to or from port, it shall be the duty of such pilot to have the amount of pilotage claimed by him as aforesaid taxed, or certified by the said commissioners, who are hereby required to examine and certify the same, without fee or reward; and that no suit or action shall be brought or maintained for such pilotage, until the same shall be taxed or certified as aforesaid.

When pilotage taxed or certified.

22. That in order to prevent intoxication in persons having the charge of vessels as pilots, that if any pilot or deputy pilot shall become intoxicated in charge of any vessel, as pilot, he shall, for the first offense, forfeit his pilotage, be suspended from duty for six months, and in addition thereto, forfeit and pay fifty dollars to the commissioners aforesaid, and to be by them paid to the trustees of the pilots' charitable society, if such society is formed, and for the second offense, be deprived of his branch or license, as the case may be, and be forever thereafter incapable of acting as a pilot.

Penalty for intoxication.

23. That all forfeitures, fines and penalties, which shall or may be recovered and received under and by virtue of this act, and not otherwise appropriated, shall be applied, in the first instance, for, in or towards the payment of such costs of suit and disbursements of the said commissioners, in their prosecution and proceedings under this act, against offenders, as shall not be received by them from the party or parties prosecuted or proceeded against; and the overplus and residue thereof, if any overplus there should be, shall be accounted for and paid over on the first Monday in June, in each and every year, to the pilots' charitable fund, for the use and benefit of that association.

How penalties applied.

24. [Amended by Secs. 54 and 58, *post.*]

25. That as soon as any branch pilot or deputy pilot shall have taken and subscribed the oath or affirmation prescribed in the third section of this act, the governor shall direct the commissioners of pilotage for the time being to take bond from such branch pilot or deputy pilot, in the sum of five hundred dollars, with two sufficient sureties, to be approved of by the said commissioners, for the faithful discharge of his duties prescribed in this act; and thereupon the said commissioners shall deliver to such pilot a license referring to his respective branch; and every such license shall be signed by the governor, and be of force during the term therein specified, or during such pilot's good behavior; and every person who shall be appointed a pilot, and who shall have taken and subscribed an oath or affirmation, as directed in this act, and shall have given bond as aforesaid, shall be to all intents and purposes a pilot, agreeably to the certificate of the said commissioners.

Pilots to give bond.

And receive license.

26. That it shall be the duty of the said commissioners to lay before the legislature, as early as the second week of their session, yearly and every year, all bonds taken by them as aforesaid, an abstract of their proceedings within the year then last past, together with a statement of the number of pilots in commission, the number of vessels taken in and out, and such observations in relation to the system of pilotage as in their opinion may tend to the benefit of the cause of commerce and may be of advantage to the general interest of this state.

Annual report.

Supplement.

[Approved March 5, 1850. ■ P. L. 1850, p. 170.

27. SEC. 1. That the fees of the commissioners on pilotage, mentioned in the twenty-fourth section of the act to which this is a supplement, shall hereafter be three per centum on the fees received by the pilots for pilotage; *provided*, that said commissioners shall not be entitled to receive said commissions on extra pilotage for boarding off shore, or for fees received for what is called transportation or harbor pilotage. [See Sec. 24, *ante.*]

Fees of commissioners.

Proviso.

Supplement.

Approved February 16, 1855.

P. L. 1855, p. 70.

Pay of pilot carried to sea.

28. SEC. 1. That a pilot who is carried to sea, when a boat is attending to receive him, shall receive at the rate of one hundred dollars per month, and his reasonable expenses, during his necessary absence. [See Sec. 13, *ante.*]

Fee for pilotage.

29. SEC. 2. That the fees for pilotage are hereby established, as follows : for every merchant vessel, inward bound, and not exempted from pilotage by virtue of the act to which this is a supplement, drawing less than fourteen feet of water, two dollars and forty-four cents per foot ; for every vessel drawing fourteen feet, and less than eighteen feet of water, three dollars and six and one-quarter cents per foot ; for every vessel drawing eighteen feet, and under twenty-one feet of water, three dollars and sixty-nine cents per foot ; for every vessel drawing twenty-one feet of water, and upwards, four dollars and thirty-one and a quarter cents per foot ; and for pilotage between any point within the Narrows, and any point in Staten Island sound, Newark bay, the Passaic, Hackensack, or Raritan rivers, for every vessel, either inward or outward bound, drawing less than six feet of water, not to exceed seventy-five cents per foot ; and for every vessel drawing six feet or more of water, not to exceed one dollar per foot ; and for every day's detention or loss, engaged in piloting a vessel between any point within the Narrows, and any point in the sound, bay, or rivers aforesaid, two dollars per day ; if the masters or owners of any vessel shall request the pilot to moor said vessel at any place within Sandy Hook, and not to be taken to the wharf or harbors of Jersey City, Newark, Perth Amboy, or New York, or the vessel to be detained at quarantine, the same pilotage shall be allowed, and the pilot entitled to his discharge ; for piloting national vessels of the United States, and also those of foreign nations, five dollars per foot ; when any ship or vessel bound to the ports aforesaid, and boarded, by any pilot appointed by said commissioners of pilotage, at such distance to the southward or eastward of Sandy Hook lighthouse, as that said lighthouse could not be seen from the deck of such ship or vessel in the daytime, and in fair weather, the addition of one-fourth to the rates of pilotage hereinbefore mentioned shall be allowed to such pilot ; *and be it further enacted*, that if changes take place in the rates of pilotage of the New York pilots, that then the rates of pilotage for New Jersey pilots shall be made to conform to such changes, by the commissioners of pilotage for New Jersey, on their being made duly cognizant thereof. [See Sec. 14, *ante.*]

Pilotage on merchant vessels outward.

30. SEC. 3. That the pilotage on merchant vessels outward shall be as follows : for every vessel drawing less than fourteen feet of water, one dollar and eighty-one cents per foot ; for every vessel drawing fourteen feet, and less than eighteen feet of water, two dollars and twelve and a half cents per foot ; for every vessel drawing eighteen feet, and less than twenty-one feet of water, two dollars and seventy-five cents per foot ; for every vessel drawing twenty-one feet, and upwards, three dollars and eighteen and three-fourths cents per foot. [See Sec. 14, *ante.*]

Rates for intermediate distances.

31. SEC. 4. That the rates of pilotage for any intermediate distance shall be determined by the board of commissioners, and promulgated in their rules and regulations for the government of pilots. [See Sec. 14, *ante.*]

Fees for detention at wharf.

32. SEC. 5. That for every day of detention at the wharf, or in the harbor, beyond the time notified to the pilot, for him to attend the vessel, or beyond the usual time of getting vessels from sea to the wharf, and from the wharf to the sea, and for every day of detention of an inward-bound vessel, by ice, longer than two days for the passage from sea to the wharf, three dollars shall be added to the pilotage ; if any pilot shall be detained at quarantine by the health officer, for having been on board a sickly vessel as pilot, the master, owner, agent, or consignee of said vessel shall pay to such pilot all necessary expenses of living, and three dollars per day for each and every day of such detention. [See Sec. 15, *ante.*]

33. SEC. 6. That the pilotage shall be payable by the master, owner, agent, or consignee entering or clearing the vessel, at either of the ports aforesaid, who shall be jointly and severally liable therefor. Pilotage, to whom payable.

34. SEC. 7. That masters of vessels shall give an account to the pilot, when boarding, of the draught of such vessels; and in case the draught given is less than the actual draught, he shall forfeit the sum of twenty-five dollars, which may be sued for and recovered by the New Jersey pilots, under the certified order of the commissioners of pilotage for New Jersey, and applied as is directed in the twenty-third section of the act to which this is a supplement. Masters of vessels to give account to pilot of draught of vessel.

35. SEC. 8. That for services rendered by pilots moving or transporting vessels in the harbor of New York, the following shall be the rates: for moving from North to East river, or vice versa, if a seventy-four-gun ship, twenty dollars; if a frigate, fifteen dollars; if a sloop-of-war, ten dollars; if a merchant vessel, five dollars; for moving any vessel from quarantine to the city of New York or Jersey City, one-quarter of the sum that would be due for the inward pilotage of such vessel, exclusive of the off-shore pilotage; for hauling any vessel from the river to wharf, or from a wharf into the river, three dollars. Fees for moving or transporting vessels in harbor of New York.

36. SEC. 9. That between the first day of November and the first day of April, inclusive, four dollars shall be added to the full pilotage of every vessel coming into or going out of the ports of Jersey City, Newark, Perth Amboy or New York. [See Sec. 14, *ante.*] Additional fees between November and April.

37. SEC. 10. That any person not holding a license as pilot under this act, or under the laws of the state of New York, who shall pilot, or offer to pilot, any ship or vessel not exempted by virtue of the act to which this is a supplement, from pilotage, to or from the ports of Jersey City, Newark or Perth Amboy, by the way of Sandy Hook and Kill von Kull, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days; and all persons employing a person to act as pilot not holding a license as aforesaid, shall forfeit and pay to the pilots suing therefor, in behalf of themselves and the commissioners of pilotage for New Jersey, the sum of one hundred dollars, to be collected by decision of the courts authorized to act in such cases. Penalty for piloting without holding license.

38. SEC. 11. That the president of the board of New Jersey pilot commissioners is hereby authorized to administer an oath to any person or persons preferring or rebutting a complaint before the board of said commissioners. President of board may administer oath.

39. SEC. 12. That if any pilot or deputy pilot shall see a vessel on the coast, having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, when it is practicable for him to do so, such pilot, on conviction before the commissioners, shall forfeit and pay the sum of fifty dollars for each and every offense, and may be rendered incapable of acting as pilot or deputy pilot. [See Sec. 8, *ante.*] Penalty for neglect of duty by pilot.

40. SEC. 13. That if any pilot or deputy pilot shall negligently or carelessly lose, or run any vessel on shore, he shall not be entitled to any pilotage; and such pilot, on conviction before the commissioners, shall forfeit and pay the sum, not to exceed two hundred and fifty dollars, for each and every offense, and may be rendered incapable of acting as pilot or deputy pilot. [See Sec. 10, *ante.*] Penalty for neglect and carelessness.

41. SEC. 14. That all laws, or sections of laws, now in force, which are inconsistent with the provisions of this supplementary act, are hereby repealed. Repealer.

Supplement.

Approved March 22, 1860. P. L. 1860, p. 551.

42. SEC. 1. That the commissioners of pilotage referred to in the first section of the act to which this is a supplement, shall in future be selected from among such persons as have been officers in our naval, revenue or merchant service, or such as have been commanders of vessels engaged in our coasting trade. From whom commissioners of pilotage to be selected.

Supplement.

Approved March 5, 1867.

P. L. 1867, p. 135.

Appeal from commissioners to governor of state.

43. SEC. 1. That from any judgment, order or direction of the said commissioners of pilotage affecting said pilots or any of them, an appeal may be taken to the governor of said state for the time being, who may affirm, reverse or modify said judgment, order or direction; *provided*, such appeal shall be in writing, signed by a majority of the pilots, and delivered to the governor within twenty days after such judgment, order or direction shall be fairly promulgated by said commissioners of pilotage, which appeal shall state the judgment, order or direction complained of, and the grounds of the appeal, a copy whereof shall be served upon the secretary of the board of commissioners.

Appeal operates as supersedeas.

44. SEC. 2. That the filing of said appeal shall operate as a supersedeas to such judgment, order or direction, until its final determination by the governor.

Stationing of pilot boats.

45. SEC. 3. That it shall be lawful for "the New Jersey and Sandy Hook pilots" to make an arrangement with the New York pilots to regulate the stationing of pilot boats, for the purpose of receiving pilots from outward-bound vessels.

One apprentice to every boat.

46. SEC. 4. That to each and every boat in the pilot service to and from Sandy Hook there shall be one apprentice instead of two, as provided in the eighteenth section of the act to which this is a supplement, and that every apprentice shall serve at least one year as a boat keeper before he shall be licensed as a deputy pilot.

Repealer.

47. SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Supplement.

Approved March 28, 1871.

P. L. 1871, p. 66.

New Jersey coasting vessels not required to employ licensed pilot.

48. SEC. 1. That henceforth no citizen of New Jersey, being master of any vessel navigated under a coasting license, employed in the coasting trade, and whose vessel shall be bound either in or out of any of the navigable waters of the state of New Jersey, or over which the said state has concurrent jurisdiction with other states, constituting waters wherein pilotage is usually charged, demanded or received, whether the same be in or out of the capes of the Delaware, or in the Delaware bay or river, or in or over the bar of Sandy Hook, shall be required to employ a licensed pilot.

Repealer.

49. SEC. 2. That all laws now in force, and which are inconsistent with the provisions of this act, be and the same are hereby repealed.

Supplement.

Approved March 8, 1883.

P. L. 1883, p. 92.

When apprentice may be licensed as pilot.

50. SEC. 1. That no apprentice, taken after the passage of this act, shall be licensed unless he shall have served for not less than three consecutive years as a boat keeper of one of the duly-licensed Sandy Hook pilot boats of this state.

Supplement.

Passed April 4, 1885.

P. L. 1885, p. 203.

51. SEC. 1. [This section, amending Sec. 1, *ante*, is amended by Secs. 52 and 56, *post*.]

Supplement.

Approved April 9, 1889.

P. L. 1889, p. 224.

52. SEC. 1. [This section, amending Secs. 1 and 51, *ante*, is amended by Sec. 56, *post*.]

53. SEC. 2. [This section is executed.]

54. SEC. 3. [This section, amending Sec. 24, *ante*, is amended by Sec. 58, *post*.]

55. SEC. 4. [Supplanted by Sec. 59, *post*.]

Supplement.

Approved May 17, 1894. P. L. 1894, p. 432.

56. SEC. 1. That section one of the act to which this is a further supplement [see Secs. 1, 51 and 52, *ante*] be and the same is hereby amended so as to read as follows, to wit :

[That the governor, by and with the advice and consent of the senate, shall appoint six commissioners of pilotage, not more than three shall be members of the same political party, who shall hold their offices, respectively, for three years; and in case any commissioner of pilotage so appointed shall die or resign, or in any other way become disqualified to act, it shall be the duty of the governor, by and with the consent of the senate, forthwith to fill such vacancy, and the person so appointed to fill such vacancy shall hold his office for the like term of three years; and the commissioners of pilotage, or a majority of them, shall be authorized and full power and authority are hereby given to them to permit, at their discretion, any person to act as a branch pilot as hereinafter provided for, off the bar of Sandy Hook, or of the river Raritan, or of the harbor of Jersey City, Newark or Perth Amboy, they having examined the said person in the manner hereinafter mentioned and made such inquiries respecting him and his qualifications as to them the said commissioners, or a majority of them, shall appear necessary and expedient.]

Appointment and term of commissioners.

Vacancies, how filled.

Branch pilots, how authorized.

57. SEC. 2. That the terms of all the several commissioners of pilotage now in office under the act to which this is a supplement, and the various supplements thereto, shall cease and determine upon the appointment and confirmation of the commissioners of pilotage above provided for.

Terms of present commissioners, when to expire.

58. SEC. 3. That section twenty-four of the act to which this is a supplement [see Secs. 24 and 54, *ante*] be and the same is hereby amended so as to read as follows, to wit :

[That the pilots shall, once in each month, account to the said commissioners for the fees received by them for pilotage; and the said commissioners shall be entitled to receive one and one-half per centum from the said fees as a compensation for their services under this act, to be divided among the commissioners according to the days they may have, respectively, attended at any meeting; *provided*, that said commissioners shall not be entitled to receive said commissions on extra pilotage for boarding off shore or for fees received for what is called transportation or harbor pilotage.]

Pilots shall account for fees.

Compensation of commissioners.

Proviso.

59. SEC. 4. That hereafter every boat belonging to the pilots licensed by the laws of this state shall have but one indentured apprentice, who shall be attached to said boat, and indentured to its master, and serve as said apprentice, under the laws of this state, at least four years, and at least three consecutive years of said apprenticeship as a boat keeper on said boat, and shall be subject to all the laws now in force of the government of pilots of this state, and shall be examined as now directed by law, and after said examination, shall be licensed as a deputy pilot, at and under the discretion of the pilot commissioners of this state, and no person shall be appointed a pilot of this state by way of Sandy Hook, except as herein provided.

Boats shall have but one apprentice.

Term of service.

60. SEC. 5. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved February 27, 1895. P. L. 1895, p. 142.

61. SEC. 1. That whenever the services of a pilot by the way of Sandy Hook shall be required to pilot any vessel sailing from any other port in the United States bound in or over the bar of Sandy Hook, application must first be made in writing by the master or owner or consignee of such vessel to the board of commissioners of pilots for such pilot, and the said board shall thereupon designate the pilots so to be employed in rotation, according to the designated number of boats in the service, beginning with

Board shall designate pilots to be employed in rotation.

And shall enforce this regulation. the lowest number, so that the company of every boat in the service shall in their turn have the right to avail of such employment, and the board shall by proper by-laws enforce this regulation.

Supplement.

P. L. 1885, p. 613.

Approved March 22, 1885.

Annual appropriation to board of commissioners.

62. SEC. 1. That the sum of twelve hundred dollars shall be the annual appropriation for the state board of commissioners of pilotage, to be expended by them in defraying the expenses of the enforcement of the laws in relation to obstructions in the channels and harbors, and to prevent the dumping of mud and other refuse matter in obstructing navigation, and for such other purposes as they may deem advisable and as they may direct.

Treasurer authorized to pay.

63. SEC. 2. That the treasurer of this state is hereby authorized, upon the warrant of the comptroller, to pay to the president of the board of pilot commissioners, from any money not otherwise appropriated, the sum provided for in the first section of this act.

An act to protect the navigable waters of the Arthur Kill, Kill von Kull and Staten Island sounds, Newark bay and tributaries, Raritan bay and tributaries, and of New York bay and harbor, and Hudson river, over which the state of New Jersey may have jurisdiction.

P. L. 1882, p. 155.

Approved March 22, 1882.

Unlawful to place, deposit or throw refuse, &c., in certain navigable waters, &c., in this state.

64. SEC. 1. That it shall be unlawful for any person or persons to throw, place, deposit, in any way or manner, or cause to be thrown, placed or deposited in any way or manner, into or upon the navigable waters of the Kill von Kull, Arthur Kill or Staten Island sounds, Newark bay or tributaries, Raritan bay or tributaries, New York bay and harbor, or the Hudson river, within the jurisdiction of the state of New Jersey, or over which this state may have jurisdiction, any dredgings, mud, ashes, cinders, shells, refuse or any other solid material of any kind or description whatever, unless duly authorized so to do under the laws of this state or of the United States; *provided*, that this section shall not apply to or affect the right any person has or may have to fish, by putting in poles or otherwise, to plant shell-fish, and fix and preserve the boundaries to any land he may be entitled to use for such purpose, or to interfere with the emptying of any sewage into the same by any city.

Proviso.

Penalty for violating this act.

65. SEC. 2. That any person or persons violating any of the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, in any county bordering on any of the said waters, within which such violation may have occurred, shall for the first offense be punished by a fine not exceeding one hundred dollars, and for any succeeding offense by a fine not exceeding two hundred dollars and imprisonment in the county jail for a term not exceeding six months; said fines to be in addition to the costs of prosecution.

Commissioners of pilotage may seize any boat or vessel from which persons are found violating this act.

66. SEC. 3. That if any boat or vessel shall be found within the jurisdiction of this state, from which any person or persons are violating any of the provisions of section one of this act, it shall be lawful for the board of commissioners of pilotage appointed under the provisions of section one of the act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six, or any one of said commissioners to seize, or cause to be seized, the said boat or vessel, and take the same, or cause the same to be taken to the nearest of said ports, there to securely keep or be kept until the owner or owners shall deposit with the said commissioners the sum of two hundred dollars, or give security satisfactory to the said commissioners, for the payment of any fine and costs which may be adjudged against the person or persons committing such violations of section one.

67. SEC. 4. That the board of commissioners of pilotage, named in the last preceding section, are empowered and it shall be their duty to prosecute all violations of this act. Violations, how prosecuted.

68. SEC. 5. That all fines collected under this act shall constitute a fund in the hands of said commissioners of pilotage, to pay the necessary expenses of carrying the same into effect. Disposition of fines.

69. SEC. 6. That nothing in this act contained shall be construed to interfere with the powers, rights, duties and privileges of the board of riparian commissioners of this state. Rights of riparian commissioners not affected.

Supplement.

Approved February 15, 1888.

P. L. 1888, p. 40.

70. SEC. 1. That for the purpose of carrying out the provisions of the act to which this is a supplement the comptroller of the state be and is hereby authorized to pay, or cause to be paid, a sum not exceeding five hundred dollars, upon proper sworn vouchers, certified to by the president and secretary of the board of commissioners of pilotage as such sum or part of it may be required for the purposes above specified, and only till such time as the said commissioners shall have collected from fines or damages or otherwise, such sums as may be deemed necessary to meet the legitimate expenses for the prosecution and bringing to justice delinquents under said act, or for the removal of such obstructions as may from time to time be found necessary. Appropriation for carrying out provisions of act.

71. SEC. 2. That no part of any appropriation granted for carrying out the purposes of said act shall be used, conveyed or diverted for any other purposes whatever. Not to be used for other purposes.

Plank Road Companies.

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| <ol style="list-style-type: none"> 1. Formation of companies authorized. 2. Survey of route and description to be filed. 3. Map and profile to be made and filed. 4. Constitution to be adopted by company. 5. Election of directors. 6. Names of stockholders to be recorded. 7. Payment of installments, how made and enforced. 8. Company not to incur debts beyond capital. 9. Semi-annual dividends. 10. Company authorized to construct road. 11. Road may be made free on payment of cost. 12. Statement of cost to be filed. 13. Road, how to be laid out and constructed. 14. Inspectors to be appointed. Rates of toll. 15. Milestones to be erected. | <ol style="list-style-type: none"> 16. Penalty for injuring works. 17. Penalty for delaying travelers. 18. Penalty for obstructing passage. 19. Annual statement to be made. 20. Time for commencing and completing road. 21. Proceedings in case road and bridges not kept in repair. 22. Right to alter and repeal. 23. Highways, how dedicated for purposes of plank road. 24. Certificate of inspectors to be filed. 25. Return of survey. 26. Rates of toll. 27. Company to keep bridge in repair. 28. No toll to be charged in certain cases. 29. Parts of former act not applicable. |
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An act authorizing the incorporation of plank road companies.

Approved February 26, 1852.

P. L. 1852, p. 95.

1. That any number of persons, not less than ten, citizens and residents of this state, who shall file in the office of the secretary of state a certificate setting forth that they have formed a company, under the provisions of this act, for the purpose of constructing a plank road, and shall file therewith a constitution and survey, as herein provided, shall thereupon, with their successors and assigns, and all others who shall afterwards become stockholders in such company, be a body corporate and politic in law, by the name specified in said certificate and constitution, with all the powers and privileges, and subject to the restrictions, limitations and conditions, contained in the act concerning corporations, approved the fourteenth day of February, eighteen hundred and forty-six. Formation of companies authorized.

2. That any company, formed in pursuance of this act, shall cause to be made an accurate survey of the route intended to be occupied by the plank road, which they propose to make, and of the land which it may be necessary to appropriate to the use of said road, which survey and description shall set forth the names of the owners and occupants of said lands, Survey of route and description to be filed.