

1721. **V.** *And be it further enacted,* That the said regulators or surveyors, attending the said service, for their pains and trouble in and about the premises, shall be paid, by the party or parties concerned in such foundation, or erecting such party-wall, the sum of three shillings each. (*g*)

The Regulators fecs.

Regulation of partition fences, &c.

**VI.** *And be it further enacted,* That the said surveyors or regulators, or any two of them, shall have full power to regulate partition-fences within the said city; and where the adjoining parties do improve or inclose their lots, such fences shall be made in the manner generally used, and kept in good repair, at the equal cost of the parties, so that the price for making exceed not forty shillings for every hundred feet, unless the owners or possessors, between whom such fence is or shall be erected, do agree otherwise. (*h*)

Cost of erecting and repairing such fences, how to be recovered.

**VII.** *And be it further enacted,* That if either party, between whom such partition-fence is or shall be made, shall neglect or refuse to pay his part or moiety for the repairing or setting up of such partition-fence as aforesaid, that then the party, at whose cost the same was so repaired or set up, may have either his action at law, or have the same determined as in cases of debts under forty shillings, as the case may require.

Passed 24th February, 1721.—Recorded A. vol. II. page 214.

(*g*) This section is altered and supplied by (chap. 1549,) sect. 8.

(*h*) For the acts regulating and maintaining fences, generally, see ante. chap. 56, page 14, and the notes there subjoined. (*Notes to former edition.*)

[The regulation of a lot by Regulators, under the act of March 9th, 1771, (post. chap. 624,) from which no appeal is entered to the Common Pleas, is *conclusive* as to the foundations and party-walls of buildings erected conformably thereto, but not so as to the lines of the lot, on which there are no buildings. *Godshall v. Mariam*, 1 Binney, 352.]

April 18th, 1795, The following acts were passed—

Chapter 1448 “An act to empower the corporation of the city of *Philadel-*

*phia* to oblige the owners and occupiers of houses in the said city, to provide buckets, to be used in extinguishing fires.”

Chapter 1449, “An act to authorize the corporation of the city of *Philadelphia* to prevent the erecting of wooden buildings in certain parts of the city of *Philadelphia*.”

The validity of this last mentioned act, was brought into question before the Supreme Court, and it was determined to be constitutional. MSS. Reports, Supreme Court.

See the index to this edition, title *Philadelphia*, where all the laws and regulations respecting the city and liberties, are digested, and brought into one view.]

## CHAPTER CCXLIV.

*A Supplementary ACT to a law of this province, entitled an act that no public house or inn, within this province, be kept without licence. (i)*

**WHEREAS**, divers persons within this province, under colour of retailing rum and other strong liquors without doors, for the conveniency and supply of the inhabitants in their families, and, for that end, having obtained permits from the Collector of the excise,

(*i*) For the act, to which this is a supplement, and a general reference to the laws respecting public houses and taverns, see ante. page 73, (chap. 172,) and the notes there subjoined. (*Note to former edition.*)

do sell, in or about their houses, drams and strong liquors by small measures, as well to servants as others, contrary to the true intent and meaning of the laws of this province: And whereas divers inn-holders or tavern-keepers do frequently entertain and suffer minors and servants to be tippling in their houses; all which being to the great damage of the inhabitants, and manifestly tending to the corrupting of youth, and promoting vice and immorality: For preventing thereof, *Be it enacted*, That no recommendation shall be issued by the Justices of the respective counties of this province, or the city of Philadelphia, in order to obtain licence from the Governor for the keeping any tavern or public house, as directed by an act of this province, entitled *An act that no public house or inn, within this province, be kept without licence*, before the person or persons, desiring such recommendation, shall become bound in the Prothonotary's office, unto the Governor for the time being, with security if required, in any sum not exceeding one hundred pounds, that he or she, on obtaining such licence, shall at all times be of good behaviour, and observe all the laws and ordinances, which are and shall be made relating to inn-keepers or taverners within this province. And who-soever shall keep a tavern, inn, or public house of entertainment, before he or she hath given bond as aforesaid, such person shall suffer the same penalty, as if the same had been done without licence.

1721.  
No recommendation to be issued, &c. before bond given, &c. (repealed.)

Penalty.

II. *And be it further enacted*, That no person or persons, within this province, other than such who are or shall be qualified so to do by the above recited law, shall presume, by virtue of any permit from the collector of the excise, or under any other colour or pretence whatsoever, to sell, barter with, or deliver any wine, rum, brandy or other spirits, beer, cyder, or any mixed or strong liquors, which shall be used or drank within their houses, yards or sheds, or which shall be, with their knowledge, privity or consent, used or drank in any shelters, places or woods, near or adjacent to them, by companies of negroes, servants, or others; or to retail or sell to any person or persons whatsoever, any rum, brandy, or other spirits, by less quantity or measure than one quart; nor any wine, by any less quantity or measure than one gallon; nor any beer, ale or cyder, by any less quantity than two gallons; and the same liquors respectively delivered to one person, and at one time, without any collusion or fraud, contrary to the true intent and meaning of this act, under the same penalty mentioned in the said recited act for keeping public-house, or selling liquors without licence.

No persons unqualified may sell liquors by small measure.

III. *And be it further enacted*, That no person or persons, keeping a public-house or inn, shall trust or give credit to any person whatsoever, for liquors, or any other inn or tavern reckonings, in any sum exceeding twenty shillings, under the penalty of forfeiting and losing any such debt. And if any inn-holder or keeper of a public-house, or any retailers of liquors within this province, shall receive, harbour, entertain or trust any minor, under the age of twenty-one years, or any servant, knowing them to be such, or after having been cautioned or warned to the contrary, by the parent, guardian, master or mistress, of such minor or servant, in the presence of one or more credible witness or witnesses, such inn-holder, keeper of public-house, or retailers of liquors, so offending, shall,

Tavern-keepers not to trust above the value of twenty shillings.

Minors and servants not to be trusted.

1721.

for the first or second offence, being duly convicted thereof, forfeit and pay the sum of twenty shillings for every such offence, over and above the loss and forfeiture of any debt such minor or servant shall or may contract for liquors or entertainment : and upon conviction for the third offence, the licence obtained by such offender is hereby declared null and void, and the person, so repeatedly offending, shall forfeit and pay the sum of five pounds, and be for ever after incapable of keeping a public-house, or inn within this province.

Penalty on  
furnishing  
slaves with  
liquors or  
harbouring  
them.

IV. *And be it further enacted,* That no person whatsoever, within this province, shall presume by any means to furnish, supply or sell to any Negro or Indian servants, any rum, brandy, spirits, or any other strong liquors whatsoever, mixed or unmixed, either within or without doors, or shall receive, harbour or entertain any Negro or Indian servant, in or about their houses, without special licence had and obtained, under the hand of the master or mistress of such Negro or Indian servant, respectively, under the penalty of forfeiting and paying, for the first offence, twenty shillings, and for the second, and every offence after, thirty shillings ; to be recovered before any one Justice of the Peace of the county where the offence is committed, upon proof of one or more credible witness or witnesses, or upon the view of any Magistrate within the respective counties of this province, where the fact shall be committed.

Persons su-  
ng for a ta-  
vern debt  
above twen-  
ty shillings,  
to be non-  
sued, and  
pay double  
costs.

V. *And be it further enacted,* That if any person or persons, keeping a public-house or inn, or retailing liquors, as aforesaid, in this province, shall trust or credit any person for liquors, retailed, or other expenses, above twenty shillings as aforesaid, or shall presume to sue any such person, or shall arrest or attach any servant for any debt contracted for liquors or accommodations, knowing such person to be a servant, and after they have been warned or cautioned not to entertain such servant as aforesaid, all such actions and suits shall abate, and the person sued, and the master or mistress in behalf of such servant, or the said servants themselves, being sued as aforesaid, shall and may plead this act in bar ; and the plaintiff in such suit shall become non-suit, and pay double charges.

Fines how to  
be levied and  
disposed of.

VI. *And be it further enacted,* That the several fines, imposed by this act, shall be levied by execution on the offender's goods, or his or her person be committed to the county gaol, until the same be paid, upon conviction of the party before the Mayor or Recorder of the city of Philadelphia, for offences against this act committed in the city of Philadelphia ; and before any one or more of the Magistrates of the county, for offences committed in the respective counties ; and that all fines and forfeitures recovered by virtue of this act, which are not otherwise appropriated by any former act, shall be applied in manner following ; *that is to say,* the one moiety shall be paid to the father, mother, guardian, master or mistress, of the minor or servant entertained as aforesaid, or to the said servant, as the Magistrate shall direct ; and the other moiety shall be paid unto the overseers of the poor of the city or county where the offence is committed, for the use of the poor of the said city or county.