

1782. bounds and limits of this state, shall be, and are hereby declared to be public highways.

Passed 13th April, 1782.—Recorded in Law Book No. I. page 522.

CHAPTER DCCCCLXVIII.

An ACT for vesting in the American Philosophical Society, held at Philadelphia, for promoting useful knowledge, the property therein mentioned, upon the conditions therein specified. (y)

Passed 15th April, 1782.—Private act.—Recorded in Law Book No. I. page 524.

(y) By this act, the property and monies of the Silk Society were transferred to the Philosophical Society, who are to be accountable, and re-deliver the same, whenever a majority of the subscribers to the Silk Society shall request it, in order to revive their institution.—For the incorporation of the Phi-

losophical Society, see an act of the 15th of March, 1780; and for the legislative grant of a lot in the State-house square, on which to erect a Philosophical Hall, see acts of the 28th of March, 1785, and 17th of March, 1786. (Note to former edition.)

CHAPTER DCCCCLXIX.

[Ante, chap. 472, vol. 1. pa. 240.]

An ACT to amend an act, entitled "An act to enable the owners of Schuylkill Point meadow land, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof."

Passed 15th April, 1782.—Private Act.—Recorded in Law Book No. I. page 525.

CHAPTER DCCCCLXX.

An ACT to vest a certain lot or lots of ground, in the district of Southwark, in trustees, for the use of a public landing, upon the conditions hereinafter mentioned, and other purposes. (z)

SECT. I. WHEREAS the inhabitants of the district of Southwark have been long desirous to procure a commodious lot or lots of ground, for the purpose of public landings and streets within the said district, and in pursuance of such desire Luke Morris, Thomas Penrose and James Penrose, did, in the year of our Lord one thousand seven hundred and sixty-eight, purchase of John Jekyll three lots of ground, situate on the east side of Front-street, in the said district, and extending from thence across Penn-street and Water-street into the river Delaware, which said lots were conveyed to them, as joint tenants, in fee, by indenture, bearing date the twelfth day of May, Anno Domini one thousand seven hundred

(z) See various acts relating to Southwark, passed the 26th of March, 1762, the 20th of September, 1782, the 29th of September, 1787, and the 4th

of October, 1788. See also chap. 481, vol. I. page 248, and the note there subjoined. (Note to former edition.)

and sixty-eight: And whereas the said Luke Morris, Thomas Penrose and James Penrose, by a certain deed-poll, under their hands and seals duly executed, bearing date the said twelfth day of May, in the same year, did declare and acknowledge that the said purchase, so as aforesaid by them made, was intended for public use; and did covenant and promise, that if the inhabitants of the said district should incline to take the same, and should, within three years then next following, well and truly pay, or cause to be paid, to the said Luke Morris, Thomas Penrose and James Penrose, their heirs, executors, administrators or assigns, the full purchase money by them paid, together with lawful interest for the same, and such reasonable costs and charges as should accrue to them upon the said purchase, then, and in that case, they, the said Luke Morris, Thomas Penrose and James Penrose, or the survivors or survivor of them, would, by good and sufficient conveyance and assurance in the law, convey and assure the said lots of ground to trustees, to be appointed for that purpose, to be held by them, their heirs and assigns, for ever, in trust for the public use, as in and by the said indenture and deed-poll, recorded in the rolls-office for the county of Philadelphia, more fully appears: And whereas divers attempts have been made by the inhabitants of the said district to fall upon some mode of raising money for those purposes, but hitherto the same have proved abortive: And whereas the said inhabitants of Southwark aforesaid have lately chosen and appointed Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, to be a committee, to transact all business touching and concerning the said lots, and to endeavour to raise monies, and procure a title to themselves for the said lots, for public use, which committee having had several conferences with the said Luke Morris, Thomas Penrose and Abel James (guardian, duly appointed, of Clement Penrose, the only child of the said James Penrose, who is since dead) and have come to an agreement concerning the same:

SECT. II. *Be it therefore enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That James Pemberton, Joseph Swift, Peter Knight, Henry Drinker and Richard Wells, or any three of them, shall be, and they are hereby, appointed auditors, to hear forthwith the said Luke Morris, Thomas Penrose and Abel James, and examine their accounts and vouchers, and to settle the same agreeable to the original intent of the parties, and by deeds-poll, under their hands and seals, to certify and ascertain the precise sum of money due to each of them, the said Luke Morris, Thomas Penrose and Clement Penrose, as the representative of the said James Penrose, for their respective shares of the principal, interest, and costs of the said purchase; which certificates, so executed as aforesaid, shall be delivered to the said parties, and shall be and remain conclusive evidence of the amount of the said respective sums due. And the said auditors shall have power to proceed upon the said examination and settlement of the accounts *ex parte*, if any of the persons concerned shall neglect or refuse to attend them upon ten days notice.

Auditors appointed to examine and settle the accounts and certify the sums due to Luke Morris, and others, &c.

SECT. III. *And be it further enacted by the authority aforesaid,* That if the said Robert Knox, Joseph Blewer, Joseph Turner, On payment of the sum certified, the

1782. **John Brown, William Clifton, and Isaac Penrose, or any of them, do and shall well and truly pay, or cause to be paid, to the said Luke Morris, Thomas Penrose and Clement Penrose, or to their heirs, executors, administrators and assigns, or to the guardian of the said Clement Penrose, the several and respective debts or sums of money, so as aforesaid to be certified and ascertained by the said auditors, with interest thereon from the date of the said deeds-poll, within two years next after the passing of this act, and shall procure acknowledgments, endorsed thereon, and signed by the said Luke Morris, Thomas Penrose and Clement Penrose, respectively, or their heirs, executors, administrators or assigns, or the guardian of the said Clement Penrose (who are hereby enjoined and required to sign such acknowledgments upon receipt thereof) that such monies are well and truly paid to them, then the said deeds-poll, and the acknowledgments endorsed (being proved and acknowledged by the parties, in the manner and form that deeds of conveyance are usually proved or acknowledged) shall and may be recorded in the office for recording of deeds in and for the county of Philadelphia, and shall vest the estate of inheritance, in fee simple, of and in the said lots, in them, the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, as fully and effectually as the same could be vested in them by any feoffment or deed of conveyance whatsoever; in trust, nevertheless, to and for the uses, intents and purposes, hereafter mentioned.**

Trustees neglecting or refusing to pay, their right, &c. shall cease.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, shall neglect or refuse to pay to the said Luke Morris, Thomas Penrose and Clement Penrose, respectively, their heirs, executors, administrators or assigns, or to the guardian of the said Clement Penrose, the said several and respective sums of money, so as aforesaid certified and ascertained by the said auditors to be due to them, with interest for the same, for the space of two years next after the passing of this act, then, and from thenceforth, all right, title, interest, claim and demand, whatsoever, both at law and in equity, which the said trustees, in behalf of the public, have, or claim to have, of, in and to the said lots of ground, shall cease, determine, and become absolutely void and extinct, and the said Luke Morris, Thomas Penrose and Clement Penrose, and their heirs and assigns, shall and may have, hold and enjoy the same, to their own proper use and behoof, as tenants in common, in equal shares and proportions, in fee-simple, without any further or other release or conveyance.

SECT. V. *And whereas it is intended to raise a sum of money, by laying and collecting a tax upon the real and personal estates within the said district, in yearly portions, sufficient within a reasonable number of years, to reimburse the said trustees the whole principal, and interest thereon, which they shall advance for procuring the aforesaid title to them, and it is reasonable that they should be fully secured and indemnified from loss by paying their private monies, or engaging their private credit, for public use :*

SECT. VI. *Be it therefore enacted by the authority aforesaid,* 1782. After payment, trustees may lay out streets, &c.
 That so soon as the said trustees shall, by payment of the said purchase money, have procured a title to themselves, it shall and may be lawful for them, or the survivors of them, to lay out such parts of the said lots, as they shall think necessary for the use of the public, for streets and landings; and if any should be left, which in their judgment will not be necessary for public use, then they, or the survivors of them, shall and may sell all such unnecessary parts of the said lots by public sale, for the best prices that can be obtained, and make good and perfect titles for the same to the purchasers, in fee-simple, and apply the monies arising from such sales towards the payment of themselves for the monies they shall be in advance; and that it shall and may be lawful for them, or the survivors of them, to borrow on interest any sum or sums of money, not exceeding the amount which shall then be due to them, and to grant, bargain, sell, convey and assure to the lenders, in mortgage, all such parts of the said lots as shall be retained for public use; which deeds of mortgage shall be as good and valid in the law, for securing the payment of the monies borrowed, as any mortgage made by a private person of his own estate now is.

SECT. VII. *And be it further enacted by the authority aforesaid,* And let out the wharves, &c.
 That it shall and may be lawful for the said trustees, and the survivors of them, to demise, grant, and to farm let, to any person or persons whatsoever, for any term of years, not exceeding seven at one time, all the wharves, keys, and landing-places, belonging to the said lots, as a public landing-place, reserving such rents and conditions, and establishing such rates and prices for the toll or wharfage of all kinds of articles which are usually brought to public landings, as they shall think reasonable, and restraining the tenant from demanding higher rates and prices, and binding him in sufficient penalties in all things to abide by such rules, orders and regulations, as the tenants of the public landings in the city of Philadelphia are bound to observe, and to receive the rents, issues and profits thereof, and to apply the same in discharge of the incumbrances on the said lots.

SECT. VIII. *And be it further enacted by the authority aforesaid,* All incumbrances being discharged, trustees to convey the premises to the supervisors of the highways.
 That so soon as a sufficient sum of money shall be raised, by sale of part of the premises as aforesaid, by the rents, issues and profits of the residue, and by a public tax, which is intended to be laid and collected within the said district, or by any other means, sufficient to discharge all the incumbrances which the said lots shall be subject to, in manner aforesaid, then the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, or the survivors or survivor of them, or the heirs and assigns of the survivor, shall, by good and sufficient conveyance and assurance in the law, grant, release and confirm the said premises, which shall be retained for public use as aforesaid, to the supervisors of the highways in and for the said district of Southwark for the time being (who are hereby erected into and declared to be one body politic and corporate, for this especial purpose, in deed and in law capable of holding the same, and of suing and being su-

1782. ed, in all actions touching and concerning the same) by the name of The supervisors of the public landings and highways in the district of Southwark, and to their successors, for ever, in trust for the use of the public, in the manner herein after mentioned ; that is to say, in trust, that the said supervisors for the time being, or a majority of them, with the approbation of three Justices of the peace of and for the said county, shall and may demise, grant, and to farm let, the same landings, to any person or persons, for any term of years, not exceeding seven at one time, upon such rents and conditions as they shall think proper ; and shall and may make such rules, orders and regulations, for the well governing as well the tenants thereof, as the boats, flats, carts and waggons, which shall frequent the same, and the owners, skippers and drivers thereof, and the prices or rates of toll or wharfrage to be paid for all articles to be unladen thereon ; and that the said supervisors shall receive the rents, issues and profits thereof, and apply the same to make any improvements or buildings thereon, to pave any of the streets, or to maintain and repair any of the highways, or to any other public use, within the said district, which the said supervisors, or a majority of them, with the approbation of three Justices of the said county, as aforesaid, shall order, direct and appoint.

Passed 15th April, 1782.—Recorded in Law Book No. I. page 527.

CHAPTER DCCCLXXI.

An ACT to amend and render effectual an act, entitled “ An act for regulating party walls and partition fences in the city of Philadelphia,” to declare divers new streets and ways opened and to be opened and laid out within the said city, to be highways, and also to declare nuisances by buildings within the said streets removable, and for other purposes therein mentioned. (a)

SECT. I. **WHEREAS** an act of Assembly, passed on the twenty-fourth day of February, which was in the year of our Lord (according to the new stile) one thousand seven hundred twenty and one, entitled “ An act for regulating party walls and partition fences in the city of Philadelphia,” has upon experience been found to be an useful law, by preventing contentions concerning the boundaries of landed property within the said city, and by preserving the breadth and directness of the streets and alleys of the said city : And whereas, ever since the late revolution, the said act, though revived with divers other laws of the late province of Pennsylvania, has been wholly dormant and inoperative, because of the dissolution of the late corporation of the mayor and commonalty of the said city,

(a) For the act referred to in the title, see vol. I. page 124, chap. 242, and the note there subjoined.

The twelfth section of this act was repealed by an act of the 20th of September, 1782, (chap. 979.) By a decision pronounced by Judge Shippen, in the court of Common Pleas of

Philadelphia county, the reimbursement of the cost of the moiety of a party wall, is declared to be only a personal charge against the builder of the second house, and not a lien upon the house itself.—See 1, Dallas's 345. (Note to former edition.)