

CHAPTER CCXLII.

AN ACT FOR REGULATING PARTY WALLS, BUILDINGS AND PARTITION
FENCES, IN THE CITY OF PHILADELPHIA.

Whereas divers inconveniences, irregularities and controversies have lately been, and still frequently happen, in relation to party walls, and laying the foundation of buildings in the city of Philadelphia; for the remedying whereof for the future:

[Section I.] Be it enacted by William Keith, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That no person or persons, builder or builders whatsoever, shall, from and after the twenty-fifth day of March, one thousand seven hundred and twenty-one, lay the foundation of any building or party wall within the said city, before they have applied themselves to the surveyors or regulators, to be appointed by the mayor and commonalty of the said city in their common council; who are hereby empowered to appoint two or more discreet and skillful persons for that purpose.

[Section II.] And be it further enacted, That the said surveyors or regulators, upon application to them made, shall have full power and authority to enter upon the land of any person or persons in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth or thickness thereof: which foundation shall be laid equally upon the lands of the persons, between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall anyways use or break into the said wall, the charge or value thereof to be set by the said regulators.

[Section III.] And be it further enacted by the authority aforesaid, That if any person or persons shall, of their own au-

thority, presume to begin or lay the foundation of any party wall, before the same be viewed and directed by the said regulators, or some two of them, every such person, as well employer as master builder, shall forfeit the sum of five pounds; one-half to the prosecutor or informer, and the other half to the public use and benefit of the said city; to be recovered by bill, plaint or information, in the court of common pleas, to be held for the city and county of Philadelphia, wherein no protection or wager of law shall be allowed, nor any more than one imparlance.

[Section IV.] Provided always, and be it further enacted, That if either party, between whom such foundation or party wall is to be made, shall find themselves anyways aggrieved by the order or direction of the said regulators, he or they may appeal to the mayor and commonalty of the said city, at the next common council, who shall finally adjust and settle the same; which shall conclude and bind all parties; the costs whereof to be paid as the mayor and commonalty shall direct and appoint.

[Section 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.

[Section VI.] And be it further enacted by the authority aforesaid, 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 fence 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.

[Section 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 February 24, 1720-21. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed November 27, 1700, Chapter 56; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; April 15, 1782, Chapter 982; June 21, 1839, P. L. 370; April 5, 1849, P. L. 409; April 22, 1850, P. L. 549; April 27, 1852, P. L. 442; May 7, 1855, P. L. 464; April 11, 1856, P. L. 319; May 20, 1857, P. L. 590; March 11, 1862, P. L. 109; March 22, 1865, P. L. 538; May 6, 1870, P. L. 1303; May 23, 1874, P. L. 230; June 23, 1885, P. L. 142; June 8, 1893, P. L. 260.

CHAPTER CCXLIII.

AN ACT FOR THE TRIAL AND PUNISHMENT OF LARCENY UNDER FIVE SHILLINGS.

Whereas small or petty larcenies are frequently committed within this province, by persons unable to maintain themselves in prison until prosecution can be made, or to pay the costs of such prosecution, or to make such restitution and forfeiture, upon conviction, as by law is now required; by means whereof a public charge is created, with many other great inconveniences; for the better preventing whereof:

[Section I.] Be it enacted by William Keith, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any person or persons, from and after the publication hereof, shall be convicted, either by his, her or their own confession, or the testimony of other credible evidence, before any two magistrates of the city of Philadelphia, or before any two justices of the peace in their respective counties within this province, of having feloniously stolen any money, goods or chattels, the same being under the value of five shillings, such person