

the peace, who shall call such offender before him by warrant or summons, and if, on hearing, he shall appear to be guilty of any offense against this act the said justice shall take his recognizance, with one sufficient surety, for his appearance at the next court of general quarter sessions of the peace to be held for the said county.

[Section IV.] And be it further enacted by the authority aforesaid, That after the said dams shall be altered or built agreeable to the true intent and meaning of this act, no person or persons whatsoever shall cast or draw any net or seine in the said rivers at or within the said opening, or within twenty perches above or below the same, under the penalty of fifty pounds, to be recovered and applied in manner first aforesaid.

[Section 5.] Provided always nevertheless, That nothing in this act contained shall be construed or understood to deprive or hinder any person from drawing a seine or net for the taking of fish in any part of the said rivers except in the places last aforesaid.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the Acts of Assembly passed March 5, 1790, Chapter 1489; February 27, 1801, Chapter 2211; March 23, 1803, P. L. 389; January 14, 1813, P. L. 19; January 21, 1824, P. L. 9; April 1, 1845, P. L. 273; March 20, 1846, P. L. 150; May 24, 1871, P. L. 275; March 21, 1872, P. L. 481; April 1, 1873, P. L. 464; April 28, 1873, P. L. 82, 886; May 24, 1873, P. L. (1874) 386; June 3, 1878, P. L. 160; May 22, 1889, P. L. 267; June 25, 1895, P. L. 286; May 6, 1899, P. L. 17; May 29, 1901, P. L. 302.

CHAPTER DCXXIV.

AN ACT FOR APPOINTING REGULATORS IN THE SOUTHERN PARTS OF THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas there is a certain tract of land in the township of the Northern Liberties adjoining to and bounded by the city of

Philadelphia, beginning at the northern bounds of the said city, on the river Delaware, thence up the same river the several courses thereof to Shackamaxon creek, commonly called Gunner's Run, thence up the west side of the same creek to the south line of the lands of the estate of Isaac Norris, deceased; thence by the same tract of land the several courses thereof to the road leading from Philadelphia to Frankford, thence down the same road to a stake, thence west to the mustard-mill on the Germantown road belonging to the estate of William Masters, deceased, thence continuing the same course to the Old York road, thence on the west side of the said road the several courses thereof to Peach Grove lane, thence westerly up the said lane to the head thereof, thence continuing the same course to Wissahickon road, thence down the same road the several courses thereof to the northern bounds of the said city, thence by the same city to the river Delaware, the place of beginning; through which said tract of land several of the streets of the said city running north and south have legally been extended, and the owners and possessors, by common consent, have opened cross streets running westward from said river Delaware and have built and erected thereon, at a very great expense, a large number of houses, messuages, wharves, stores and other buildings:

And whereas great inconveniences have already accrued for want of surveyors or regulators to lay out the proper gutters, channels and conduits for carrying off the waters and to set out the lots, and to regulate the walls to be built between party and party within the limits of the said described tract of land:

For remedy whereof:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the commissioners of the county of Philadelphia shall and they are hereby required and enjoined to appoint

three surveyors or regulators of the said streets, who, being first approved of by the justices of the county court of quarter sessions of the peace for the said county, shall, upon application made to them, have full power and authority to regulate and lay out the proper gutters, channels and conduits for the carrying off the waters within the limits of the said described piece of land, and to enter upon the lands of any person or persons in order to set out the foundations and to regulate the walls to be built between party and party within the said described piece of land as to the breadth and thickness thereof, which foundations shall be equally laid upon the lands of the persons between whom such party wall is to be made; and the first builder shall be paid and reimbursed by the builder on the adjoining lot one moiety or half part of the charge of such party wall, or for so much thereof as the builder on the adjoining lot shall have occasion to make use of before he shall in any wise use or break into the said wall, and that the charge or value thereof shall be set by the said regulators, or any two of them.

[Section II.] And be it further enacted by the authority aforesaid, That in case of the death, removal or misbehavior of any of the said surveyors or regulators the said county commissioners shall and they are hereby enjoined and required to appoint others in his or their place or places, who, being first approved of by the justices of the said county court of quarter sessions of the peace, shall be vested with the same powers and authorities as the surveyors and regulators before mentioned.

[Section III.] And be it further enacted by the authority aforesaid, That if any person or persons shall begin to lay the foundation of any party wall or of any wall fronting on any of the streets within the bounds aforesaid before the same be viewed and directed by the said regulators, or any two of them, or shall encroach on the street by such building or make any gutter, channel or conduit farther into the street than allowed by the said regulators, every such person, as well employer as master builder, shall forfeit the sum of five pounds, to be paid to the supervisors of the highways of the Northern Liberties, to be laid out in amending and repairing the streets and highways within the said described tract of land, being of the

said offense first convicted in the county court of quarter sessions of the county of Philadelphia aforesaid.

[Section IV.] Provided always and be it further enacted by the authority aforesaid, That if either party between whom such foundation or party wall is to be made shall conceive themselves aggrieved by any order or direction of the said regulators, he or they may appeal to the justices of the next county court of common pleas to be held for the county of Philadelphia, who shall forthwith order a venire, directed to the sheriff of the said county, commanding him to summon a jury for the trial of the matter in dispute and proceed to determine the same according to the course of the common law.

[Section V.] And be it further enacted by the authority aforesaid, That the said regulators or surveyors attending the said service for their trouble in setting out and regulating the lines of each lot shall be paid by the party or parties concerned six shillings each, and no more, and for surveying and regulating any of the said streets or highways the sum of six shillings each per diem, and no more, to be paid out of the moneys which shall be raised for repairing and amending the public streets and highways in the said township.

And for the preventing of accidents that may happen by fire within the said described piece of land:

[Section VI.] Be it enacted by the authority aforesaid, That if any person or persons within the said described piece of land shall set on fire his or their chimney or chimneys to cleanse them, or shall suffer the same to be done or that shall suffer any of them to blaze out at top, and be thereof legally convicted before any justice of the peace of the county of Philadelphia, such person or persons shall forfeit and pay the sum of twenty shillings to the overseers of the highways of the said township of the Northern Liberties aforesaid, to be laid out in amending and repairing the said streets and highways within the said described piece of land.

[Section VII.] Provided always, That nothing in this act shall be deemed or construed to repeal any matter, clause or thing in a certain act of assembly passed in the fifth year of His present Majesty's reign, entitled "An act for opening and better

amending and keeping in repair the public roads and highways within this province.”¹ and of one other act of assembly passed in the tenth year of His present Majesty’s reign, entitled “An act to continue the act, entitled ‘An act for the opening and better amending and keeping in repair the public roads and highways within this province,’”² but the same and every part thereof shall continue and remain in force during the term limited in the said acts, saving in such parts as are hereby altered, changed or supplied.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the Acts of Assembly passed April 17, 1795, Chapter 1841; February 12, 1801, Chapter 2130; March 28, 1803, P. L. 476; February 2, 1854, P. L. 21; May 7, 1855, P. L. 464; April 11, 1856, P. L. 319; May 20, 1857, P. L. 590; June 8, 1893, P. L. 360; May 5, 1899, P. L. 193.

CHAPTER DCXXV.

A SUPPLEMENT TO THE ACT, ENTITLED “AN ACT FOR THE BETTER REGULATION OF SERVANTS IN THIS PROVINCE AND TERRITORIES.”³

Whereas in and by the act of assembly passed in the twelfth year of the reign of William the Third, entitled “An act for the regulation of servants in this province and territories,”³ full powers are given to the courts of general quarter sessions in this province to make restitution to the masters and mistresses of such servants as shall absent themselves from their service during the term of their servitude, but no clear and express authority is given to the said courts to order and enforce the delivery and payment of freedom dues to the said servants at the expiration of their servitude, and such servants are left to their remedy by action of covenant, which is attended with so much

¹ Passed May 13, 1765, Chapter 526.

² Passed September 22, 1770, Chapter 614.

³ Passed November 27, 1700, Chapter 49.