

fourteen feet long, as also two leather buckets at farthest within six months after the publication aforesaid, to be always ready against such accidents of fire, under the penalty of ten shillings for every respective neglect hereof, to be convicted as aforesaid.

[Section III.] And be it further enacted, That if any person shall presume to smoke tobacco in the streets of Philadelphia, either by day or night [he or she] shall forfeit for every such offense twelve pence, all which said fines shall be paid to the respective justices of each town for the use of the town, and are to be employed for buying and providing leather buckets and other instruments and engines against fires, for the public use of each town respectively.

[Section IV.] And be it further enacted by the authority aforesaid, That no person within the said town of Philadelphia, after six months next following the publication hereof, presume to keep in their houses, shops or warehouses more than six pounds of gunpowder at one time, unless it be forty perches distant from any dwelling house, under the penalty of ten pounds for every such offense, to the use aforesaid, to be convicted in manner above expressed.

Passed November 27, 1700; never submitted to the consideration of the Crown, having been supplied by the Act of Assembly, passed October 28, 1701, Chapter 105. See the Act of Assembly, passed October 28, 1701, Chapter 110.

CHAPTER LV.

AN ACT TO EMPOWER THE JUSTICES IN EACH COUNTY TO LAY OUT AND CONFIRM ALL ROADS, EXCEPT THE KING'S HIGHWAYS AND PUBLIC ROADS.

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all the King's highways or public roads within this province or counties annexed, shall be laid out by

order of the governor and council for the time being; which roads shall be recorded in the council book, with the courses thereof, as near as may be done.

[Section II.] And be it further enacted by the authority aforesaid, That the justices of each county court within this government shall, and by virtue of this act have power, as often as they find needful, in open court to order and appoint six sufficient housekeepers of the neighborhood inhabiting near the place where complaint is made for want of a road or cartway unto the public road, who shall view the said place; and if the said housekeepers, or any four of them, are satisfied that there is occasion for a road or cartway to be laid out, according to the complainant's or complainants' desire, then they shall and may lay out the same, in and through such convenient places as they shall think may be least to the damage or inconveniency of the neighbors or parties concerned, and least injurious to the settlements thereabouts; and of such breadth as the justices shall order and appoint, so that it exceed not fifty feet; and shall make return thereof under their hands to the next county court after it is laid out; and if then and there the justices approve the same, it shall at the same court be entered upon record, and from thenceforth be taken, deemed and allowed to be a lawful road or cartway from that time forwards.

Provided, That no such road shall be carried through any man's improved lands but where there is a necessity for the same; and where that appears, the respective county courts shall appoint six indifferent men to view and adjudge the value of so much of such improved lands as shall be taken up for the use aforesaid, and the value thereof shall be paid to the owner of the said land out of the respective county stock.

And to prevent any difference that may arise among neighbors about roads or cartways laid out by order of the governor and council, or any of the county courts in this government, and which are or shall be entered upon record, either before or after the making and publishing of this act:

[Section III.] Be it enacted by the authority aforesaid, That all such roads and cartways as before mentioned, shall be taken, deemed and allowed to be free, open and lawful roads

and cartways, from the time they are so laid out and recorded as aforesaid.

[Section IV.] And be it further enacted by the authority aforesaid, That if any person or persons shall presume to stop or hinder any of the said highways or other roads heretofore laid out, or hereafter to be laid out and allowed of as aforesaid, and shall commit any nuisance therein, by felling of trees, making fences or any other way, and do not remove the same forthwith, such person or persons shall be fined in the sum of five pounds, to be levied by distress and sale of the offender's goods and chattels, to be employed by the county court for the clearing and removing of the said nuisances; and the remainder thereof shall be employed by the said court in repairing and clearing other roads within the township where the offense was committed, any law, custom or usage to the contrary hereof in anywise notwithstanding.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed November 27, 1700, Chapter 57; February 20, 1735-36, Chapter 342; and February 8, 1785, Chapter 1126; repealed by the Act of Assembly passed April 6, 1802, P. L. 197.

CHAPTER LVI.

AN ACT FOR REGULATING AND MAINTAINING OF FENCES.

For preventing all disputes and differences that may arise through the neglect or insufficiency of fences in this province and counties annexed:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all corn fields and grounds kept for inclosures within the said province and counties annexed, shall be