

ought according to the true intent and meaning of this act to entitle him or them to a recovery, he or they shall pay and be adjudged to pay full costs to the defendant for his or their false claimor but if he or they shall support his or their charge and allegation, then he or they shall recover as well the full value of the sand, gravel, stone or other such like matter as aforesaid as full costs and charges against the defendant or defendants.

(Section IV, P. L.) And in order to prevent the said Arthur Donaldson, his executors, administrators, and assigns, from demanding or taking an unreasonable price or prices from any of the citizens of this state for cleansing the docks in this port or other service performed or article furnished by means of the exclusive use of the said machine as aforesaid:

[Section III.] It is hereby enacted by the authority aforesaid, That whenever any dispute shall arise between the owners of the said machine and the owners of any dock concerning the price of cleansing the same or the price of any sand, gravel, stones or other such matter so produced and furnished, the wardens of the port of Philadelphia of a majority of them for the time being shall and they are hereby authorized and empowered to fix and assess the rate or price of cleansing such docks and the price of such articles so procured and furnished as aforesaid by the time; to which assessment the said Arthur Donaldson, his executors, administrators, and assigns shall during the term aforesaid always adhere and be bound by.

Passed February 7, 1785. Recorded L. B. No. 2, p. 398, etc.

CHAPTER MCXXVI.

AN ACT TO ENABLE THE COURTS OF QUARTER SESSIONS OF THE SEVERAL COUNTIES OF THIS COMMONWEALTH TO VACATE ROADS AND HIGHWAYS IN PROPER CASES.

(Section I, P. L.) Whereas in the course of the gradual improvement of a newly cultivated country the roads and highways which were first laid out and established have sometimes,

from the substituting of other and better courses and passages and from the altered circumstances of the commerce and intercourse of the inhabitants become useless and not only useless but inconvenient to the landholders through whose estates they pass as well as burdensome to the townships and districts which, by law are obliged to keep such roads and highways in repair: And whereas there is no general provision made for vacating roads and highways in the cases aforesaid and for want thereof applications to the legislature of this state became necessary to give special remedy in particular cases by acts of assembly whereby the sittings of the general assembly may be inconveniently lengthened and members thereof misled by partial and false suggestions and representations of interested persons especially when the applications for such interpositions of the legislative body relate to roads and highways lying remote from the seat of government where the attendance of the parties and their witnesses to verify the facts would be expensive and difficult if not impracticable; Wherefore, to give an easy, practicable and safe remedy in the premises and in order that no person may be deprived of his private and individual right in any way, highway or road of a public nature without being heard.

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the first day of March next the several courts of quarter sessions of the peace in their respective counties shall have authority upon application to inquire of and to vacate any public way, highway or road, or part of such public way, highway or road which they shall adjudge to be useless, inconvenient and burdensome and the said courts shall proceed therein by views thereof in like manner as they are authorized to do and as has been practised in the laying out of public ways and highways under the acts of assembly now in force for laying out highways and public roads and the judgment of any court of quarter sessions as aforesaid shall be effectual and conclusive in the premises if

the same be not appealed from in two years from and after the giving of any such judgment.

(Section III, P. L.) Provided always, That nothing in this act shall be understood to give any authority to any of the said courts of quarter sessions to vacate any lane, street or highway within the city of Philadelphia or within any borough or town-plot or any town or village in this state which hath been laid out by the late proprietaries or by any other person or persons and dedicated to public use nor to vacate any cartway laid out by order of court nor any road or passage claimed by any person as his or her private right and which cartway, road, way or passage, are not repairable at the charge of the township or district, nor to rivers or streams of water.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That when any application shall be made to the court of quarter sessions of any county in this state for the laying aside and vacating of any public way, highway or road, within the same county, such application shall be in writing, signed by the persons applying for the same and shall set forth the length, breadth, situation and other circumstances of the way, highway or road, or part thereof which the appliers desire to be so laid aside and vacated as aforesaid in a clear and intelligible manner and in order that the same may be publicly known such application shall be audibly read twice in open session on different days of the sessions whereat it shall be made and no further or other proceedings shall be then had thereon but the same shall be adjourned until the next court of general quarter sessions of the peace for the county when the same shall again be openly and audibly read twice on several days before the court proceed thereon.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That an appeal from the proceedings of any court of quarter sessions of the peace of any of the counties in this state as aforesaid shall lie and be allowed to the supreme court which court shall if the party applying for the same enter sufficient security for the costs and charges thereof; order and appoint another view of such way, highway or road and proceed thereon in like manner as the courts of

quarter sessions are enabled by this act to proceed and the determination and judgment of the supreme court upon such appeal shall be final.

Passed February 8, 1785. Recorded L. B. No. 2, p. 403. See the Act of Assembly passed March 21, 1772, Chapter 653.

CHAPTER MCXXVII.

AN ACT FOR ERECTING SOUTH DOCK WARD, BEING PART OF DOCK WARD, IN THE CITY OF PHILADELPHIA, INTO A NEW WARD.

(Section I, P. L.) Whereas many of the freeholders of South Dock ward have by their petition to the general assembly of this state represented the dangerous and unprotected condition they are in from thieves and robbers and other outrageous persons by reason of the extensiveness of Dock ward and their remoteness from the present justice who resides at the northernmost part thereof and by which means felons, misdoers, and other offenders often escape the punishment due to their demerits:

For remedy thereof,

[Section I.] Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passage of this act the said Dock ward shall be separated and divided into two distinct wards as follows, That is to say, That the houses, stores and lands, wharves, streets and alleys, from the south side of Spruce street, to and including the South street of the said city, and from the river Delaware fronting from Spruce to South streets, to the river Schuylkill on said streets, inclusively, together with all the rights, privileges and immunities, heretofore appertaining and belonging to said South Dock ward as if particularly enumerated be and they are hereby erected into a separate ward named and hereafter to be called New Market Ward.