

N. Liberties, authorized to pass ordinances for regulating the markets holden on Sunday.

tively, to make, ordain and pass such ordinance or ordinances as they may judge proper, for the better regulation of the Markets, holden in the said city and districts aforesaid on the first day of the week, commonly called Sunday.

Repeal of part of a former law.

Sec. 2. *And be it further enacted by the authority aforesaid,* That so much of the act passed the twenty-second day of April, one thousand seven hundred and ninety-four, entitled, an act for the prevention of vice and immorality, and for other purposes as relates to the sale of the necessaries of life on the first day of the week, commonly called Sunday, so far as it respects the city and districts aforesaid, be and the same is hereby repealed.

SIMON SNYDER, *Speaker*  
*of the House of Representatives.*

ROBERT WHITEHILL, *Speaker*  
*of the Senate.*

APPROVED—the twenty-fifth day of March in the year of our Lord one thousand eight hundred and five.

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LVII.

*An ACT for the better Regulation of the City of Philadelphia and Districts adjoining, and preserving the Navigation of the River Schuylkill.*

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the court of quarter-sessions of the county of Philadelphia, on being petitioned

The court of quarter-sessions

petitioned to grant a view of or for opening any street, lane or alley, within the city of Philadelphia, shall have power, and by virtue of this act are directed and required, as often as they judge it useful, in open court, to order and appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate in the city aforesaid, who, being first sworn or affirmed, shall, together with the commissioners of the county for the time being, or a majority of them, view the ground proposed for opening such street, lane or alley, and if they, or any ten of them, view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such street, lane or alley to be opened, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly, whether they judge the same necessary, together with a plot or draft thereof, to the next court of quarter-sessions; and if then and there the court aforesaid shall approve of the same, it shall, at the next court thereafter, be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, lane or alley, compensation being first made to the owner of the ground or other property, as herein-after directed: *Provided*, That no street, lane or alley, so opened, shall, in any case exceed, fifty feet in breadth.

of Philadelphia county empowered to grant views of or for opening streets, &c. within the city.

Proceeding in such cases.

If any seven of the actual viewers exclusive of the county commissioners agree that there is occasion for any street, &c. to be opened, they are to proceed to lay out the same and make report thereof to the next court of Quarter-sessions.

If the court approve of the same it shall be entered on record and thenceforth be deemed a public street, &c. compensation being first made to the owner of the ground &c.

How damages sustained by the owners of property applied to such uses, are to be estimated.

Sec. 2. *And be it further enacted by the authority aforesaid*, That on the return of the viewers reporting in favour of opening any street, lane or alley, as aforesaid, and the same being approved of by the court, at their next session thereafter to which the report is returned, the court

court

court shall appoint twelve discreet and disinterested freeholders, neither of whom shall reside or own real estate within the city aforesaid, who, being first sworn or affirmed, shall enquire what damages the owner or owners of lands, house, houses or other property shall or may sustain by reason of the same being taken, used and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house, houses or other property by reason of opening such street, lane or alley.

The damages awarded, to be paid by the Treasurer of the county, &c:

Unless the same be paid within one year after the return made by the viewers, all such proceedings as aforesaid to be void.

All streets, &c. heretofore opened or which may hereafter be opened in any of the modes enumerated in this section

Sec. 3. *And be it further enacted by the authority aforesaid*, That upon the return of valuation and assessment of damages, as aforesaid, for ground or other property taken and appropriated for public streets, lane or alleys, within the city aforesaid, and the court of quarter-sessions of the county of Philadelphia having approved the same, the amount of damages awarded, as aforesaid, shall be paid by the treasurer of the said county, and so soon as the said damages are paid, the mayor of the said city shall cause such street or other passage to be opened, agreeably to the direction of the court: *Provided always*, That unless the same shall be paid within one year next after the return made by the viewers, all such proceedings as aforesaid shall be void and of no effect whatever.

Sec. 4. *And be it further enacted by the authority aforesaid*, That all streets, alleys, courts and lanes which have been heretofore laid out, opened and appropriated to public use by private persons within the city of Philadelphia, and all those streets, courts and other passages which shall be laid out and opened by order of the inspectors



(proprietor of Pennsylvania) on the twenty-fifth day of October, one thousand seven hundred and one, doth not grant to the citizens the same right to occupy and use the ends of the streets which extend to the river Schuylkill which was granted on the river Delaware, and as such a public benefit will now be highly useful to the inhabitants of the said city, and to other citizens of this Commonwealth, Therefore, *Be it enacted by the authority aforesaid*, That the corporation of the said city shall be invested with all and singular the powers and authorities, jurisdictions, rights and immunities in, to and over the ends of each and every public street or alley which extends to or into the river Schuylkill, as fully to all intents and purposes, and to the like uses, as by the said charter, or any law of this Commonwealth, is or are granted to the former or present corporation of the said city, respecting the east ends of the several streets which extend to or into the river Delaware, that part of the west end of High-street, belonging to the bridge company only excepted.

Further powers given to the corporation.

*Sec. 7. And be it further enacted by the authority aforesaid*, That the wardens of the port of Philadelphia shall be authorized and empowered to fix and determine the extent or distance which any person or persons, or body or bodies, politic or corporate, who are the owner or owners of lots or ground extending to the said river Schuylkill, on either of its shores, from the lower falls thereof to its junction with the river Delaware may build wharves therein.

The wardens of the port of Philadelphia to determine the extent to which wharves may be built into the river Schuylkill.

*Sec. 8. And be it further enacted by the authority aforesaid*, That if any owner or owners of any lot or lots of ground extending into the river Schuylkill, from the lower falls thereof to its junction with the river Delaware, shall build any

Penalty on persons building wharves beyond low-water mark without license, &c.

any

any wharf, house, store or other building further into the said river than to common low-water-mark, without license first had and obtained from the said wardens, or further into the said river than may be permitted by such license, he, she or they being legally convicted of the same shall pay a fine of one thousand dollars, to be recovered with costs as debts of the same amount are or may be by law recoverable; one-half of which fine shall be paid to the guardians or overseers of the poor of the city, district or township where such wharf, or building shall be erected, and the other half to the person or persons who shall sue for and recover the same.

Sec. 9. *And be it further enacted by the authority aforesaid,* That if any person or persons shall erect or make any fence beyond the common low-water-mark into the said river, without license first had and obtained from the said wardens, he, she or they being legally convicted of the same, shall for every such offence forfeit and pay a fine not exceeding twenty dollars; to be recovered with costs as debts of the same amount are or may be by law recoverable; one-half of which fine shall be paid to the overseers or guardians of the poor of the city, district or township as aforesaid, and the other half to the person or persons who shall sue for and recover the same.

Penalties for erecting fences beyond low-water mark without license &c.

SIMON SNYDER, *Speaker*

*of the House of Representatives.*

ROBERT WHITEHILL, *Speaker.*

*of the Senate.*

APPROVED—the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and five.

THOMAS M'KEAN, *Governor*

*of the Commonwealth of Pennsylvania.*

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