

within the said city, and one other act of General Assembly, passed the twenty-first day of March, one thousand seven hundred and seventy-two, entitled "An act for regulating chimney-sweepers, within the city of Philadelphia, the district of Southwark and the township of the Northern-Liberties," shall be, and are hereby, declared to be repealed. 1787.

Passed 29th September, 1787.—Recorded in Law Book No. III. page 247.

## CHAPTER MCCCX.

*An ACT to appoint commissioners to regulate the streets, lanes and alleys, in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out the roads therein mentioned, through the said district and parts of the townships of Moyamensing and Passyunk.*

SECT. I. WHEREAS the district of Southwark has become populous, and the freeholders thereof are daily erecting buildings, and making improvements therein, but for want of a public and general regulation of the streets, lanes and alleys, they are irregularly placed, and there is danger that in time they will become a heap of confused buildings, without order or design, unless a remedy be speedily applied: And whereas it is highly necessary that every town, or part of a town, should have a direct and convenient communication with the country, in order to an easy exchange of the necessaries of life with each other, and there is no road from the district of Southwark to the surrounding country, but what is circuitous and inconvenient:

[See vol. 1, pa. 246, chap. 481.]

SECT. II. *Be it therefore enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That Francis Gurney, Richard Wells, Presley Blackiston, Thomas Shields, and Gunning Bedford, be, and they are hereby, appointed commissioners, for the purposes in this act contained, and they, or any three of them, shall have full power and authority to do and perform all and every the matters and things herein mentioned and contained by the commissioners to be performed, and that in case of the death, resignation or inability of any or either of the said commissioners, it shall and may be lawful for the Supreme Executive Council of this commonwealth to appoint another or other proper and judicious person or persons, to supply his or their places, from time to time, until the end of this act shall be fully answered, which person or persons, so to be appointed, shall have the same powers, as if he or they were named in this act.*

Commissioners appointed to regulate the streets in Southwark, &c.

SECT. III. *And be it further enacted by the authority aforesaid, That the said commissioners, before they take upon themselves the duties required by this act, shall take and subscribe, before one of the Judges of the Supreme Court, or Court of Common Pleas for the county of Philadelphia, an oath or affirmation, that they will well and faithfully execute the duties required by this act, ac-*

They shall take an oath of office.

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ording to the best of their judgment and abilities, without favour or partiality.

Their power to survey and lay out the streets in Southwark,

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any three of them, so qualified as aforesaid, shall have full power and authority to survey and lay out such and so many new streets, lanes and alleys, within that part of the district of Southwark, where proper streets, lanes and alleys are not already laid out, as in the best of their judgment will be necessary to accommodate all the inhabitants and land-holders with convenient ways and passages, to and from their respective grounds, laying the same at, or as near to, right angles with each other, as the nature of the place and a reasonable conformity to the streets, lanes and alleys, already established and built upon, will admit.

Their power to lay out roads from the Lower Ferry to the central part of Southwark; and from that centre to the State-Island ferry.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to survey and lay out a public road or highway from George Gray's, commonly called the Lower Ferry, to run as nearly in a right line, and as nearly parallel to the south street of the city of Philadelphia, as the ground, and other circumstances, will reasonably admit, across the isthmus, into some central part of the district of Southwark, and to survey and lay out one other road, leading, in the most direct manner that the nature of the ground will reasonably admit, from some central part or street of the said district, through the same, and the townships of Moyamensing and Passyunk, to the State-Island ferry; and the said commissioners shall make, or cause to be made, a correct draft or plan of all the said streets, lanes, alleys and roads, so by them to be laid out, and return the same, under their hands to the Supreme Executive Council, who are hereby authorized and empowered to examine the same, and, after hearing the objections of any land-holders, who may think themselves aggrieved, shall adjudge and determine how many and which of the said streets, lanes, alleys and roads, shall be public streets, lanes, alleys and high-roads, and shall direct the said plan, together with their adjudication thereupon, to be recorded in the office for recording of deeds for the county of Philadelphia, and from thenceforth all the said streets, lanes, alleys and roads, so adjudged, shall be for ever hereafter deemed, adjudged and taken, to be public highways, for the use of the inhabitants of this state.

Plans and returns to be made to the executive, who shall decide thereon;

and the same when recorded, shall be deemed highways.

SECT. VI. And whereas the public convenience will be for the present answered by the certain knowledge, where, and in what manner, such streets, lanes, alleys and roads will in future run, but it will not be necessary immediately to lay all of them open: In order therefore to provide for the opening of the same from time to time, as the increasing improvements shall require, *Be it hereby further enacted by the authority aforesaid,* That, upon the petition of any number of freeholders of the said district and townships, not less than seven, whose lands lie near or adjoining to such streets, lanes, alleys or roads, to open any one or more of the said streets, lanes, alleys or roads, it shall and may be lawful to and for the Supreme Executive Council, after hearing the petitioners, and such other freeholders through whose land such road or street shall pass, as shall offer objections thereto, to determine whether it be proper at

Proceedings in future, to open any of the said streets or roads.

the time to open such street or road; and if they shall be of opinion that the state of improvement in the neighbourhood thereof shall require it, they shall issue their warrant, under the hand of the President or Vice-President, and the less seal of the state, directed to the supervisors of the streets or highways within the district or township, through which the same is to pass, requiring and enjoining them to open such street or road, and to cause the same to be put in order and kept in repair in the same manner, as other streets or roads within the same district or township are by law to be opened, repaired and maintained.

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SECT. VII. *And be it further enacted by the authority aforesaid,* That if the owner or owners of any of the grounds, through and over which any of the streets, lanes, alleys or roads, so to be opened, shall pass, shall so require, the Supreme Executive Council of this commonwealth shall issue their precept, under the hand of the President or Vice-President, and the less seal of the state, to the Sheriff of the county of Philadelphia directed, in the nature of a writ of enquiry, commanding him, that by the oaths or affirmations of twelve good and lawful men of his bailiwick, not having any real estate in said district or townships, he shall enquire what damages such owner or owners will sustain in his or their improvements, made before the laying out of such street, lane, alley or road, so applied for to be opened; and upon the return of such enquiry, the Supreme Executive Council shall make an order or orders on the supervisors of said district or township, in favour of the person or persons whose improvements shall be found to be injured, for such sum or sums as the said injuries shall be found to amount to, and shall direct the supervisors aforesaid to stay the opening such street, lane, alley or road, until the said last mentioned order be fully paid and satisfied.

Owners of lands through which the streets or roads pass, how to be indemnified.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall be allowed the sum of ten shillings each, for each and every day they shall be employed in the performance of the duties by this act required, and the sum of seven shillings and six-pence per day for a Clerk or Secretary, to assist them in managing and transcribing their proceedings in the business aforesaid, and their reasonable costs and charges, in procuring the surveys and drafts herein above directed to be made.

Compensation of the Commissioners, and their clerk.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said commissioners, having first settled their accounts with one of the Justices of the Peace elected in the district, consisting of the district of Southwark and townships of Moyamensing and Passyunk, shall be entitled to draw orders on the collectors of the road tax for the said district and townships, respectively, for such proportionable parts of the expenses and allowances to them accruing, as, in the judgment of the said commissioners, the said townships and district ought reasonably to pay, and the several collectors of the road taxes in and for the said district and townships are hereby, respectively, enjoined and required to pay the amount of such orders, and the same shall be allowed to the said collectors in the settlement of their accounts.

Their accounts being settled, how the expenses shall be apportioned.

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Damage  
sustained by  
individuals,  
how to be  
paid.

SECT. x. *And be it further enacted by the authority aforesaid,* That the damages which shall be found to be sustained by any person or persons in their improvements, by means of opening any of the streets, lanes, alleys or roads aforesaid, shall be paid by the supervisors of the said streets, lanes, alleys or roads, within the district or township in which the same shall be, out of any monies in their hands raised by and upon the inhabitants thereof.

Passed 29th September, 1787.—Recorded in Law Book No. III. page 258.

## CHAPTER MCCCXII.

*An ACT to enable the sheriff and Justices of the peace for the county of Luzerne to confine prisoners in the common gaol of the county of Northampton, and to empower the commissioners to run the line from the mouth of Nescopeck creek, dividing the county of Northumberland from the county of Luzerne and for other purposes therein mentioned.*

[See the note  
to chap.  
1233 ante.  
pa. 386.]  
(\* Chap.  
1245.)

SECT. IV. AND whereas it appears, by the Supplement to the act, entitled "An act for the erecting the northern part of the county of Northumberland into a separate county\*," that the line from the mouth of Nescopeck shall be run northwestwardly, until it intersects the line which divides the waters of the east branch of the Susquehanna river from those of the west branch thereof, which term being indefinite: *Be it therefore enacted by the authority aforesaid,* That the said line from the mouth of the Nescopeck shall run north, one degree west, until it intersects the line which divides the waters of the east branch of the Susquehanna river from those of the west branch thereof.

Boundary  
line of Lu-  
zerne ascer-  
tained.

Passed 29th September, 1787.—Recorded in Law Book No. III. page 243. (The rest of this act is obsolete.)

## CHAPTER MCCCXIV.

*An ACT to incorporate the Presbyterian congregation of the town of Pittsburgh, and the vicinity thereof, in the county of Westmoreland.*

Passed 29th September, 1787.—Private Act.—Recorded in Law Book No. III. page 256.