

Provided also, That this act nor anything herein contained shall be deemed, construed or understood to extend to actions of debt for rent, to actions of replevin or upon any real contract, nor to actions of trespass on the case for trover and conversion or slander, nor to actions of trespass for assault and battery or imprisonment, nor to such actions where the title of lands shall anyways come in question.

Provided also, That this act shall continue in force for the space of three years, and from thence to the end of the next sessions of assembly and no longer.

Passed February 21, 1735-36. See Appendix XII, Section I, and note to the Act of Assembly passed May 28, 1715, Chapter 211, and the Act of Assembly passed May 19, 1739, Chapter 352.

CHAPTER CCCXLII.

A SUPPLEMENT TO THE LAW FOR LAYING OUT OF HIGHWAYS AND PUBLIC ROADS.

Whereas by a law of this province enabling the justices in each county to lay out and conform all roads except the King's highways and public roads it is provided that all roads within this province laid out by the directions of the said act shall be public highways, and shall be cleared and maintained at the charge or by the inhabitants of the township in which the said road lies, and that if any part of such road, although the same be laid out for the conveniency of one or but few persons, shall happen to be laid out through the improved ground of any person, the said improved ground is to be valued as by the said act is directed and paid for out of the county stock, which parts of the said law have, since the great increase of our inhabitants, been found to be very inconvenient and burdensome as well to the public as to private persons:

For remedying of which inconveniency:

[Section I.] Be it enacted by Patrick Gordon, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Es-

quires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex on 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 upon the application of any person or persons to the justices of the general quarter-sessions of the peace for a road to be laid out from or to the plantation or dwelling-place of any person or persons to or from the highway, the said justices shall and they are hereby empowered to order and direct a view of the place where the road is requested to be laid, and return thereof to be made in the same manner as by the before-mentioned act of assembly, is directed and appointed: and if a road shall be found necessary, the said justices shall further order and appoint of what breadth the said road shall be, so as the same exceed not thirty-three feet.

[Section II.] And be it further enacted by the authority aforesaid, That any road or cartway laid out in pursuance of this act not exceeding thirty-three feet in breadth, being first paid for by the person or persons hereinafter directed to pay, for the same, shall then be recorded, and from thenceforward shall be allowed to be a common road or cartway, as well for the use and conveniency of the person or persons at whose request the same was laid out, as for the use and conveniency of all such as shall have occasion to travel to and from the plantations or dwellings of such persons upon whose application the same road was laid out, and shall be cleared and maintained by the persons using the same to and from their respective dwellings; and if any such person or persons, being summoned by the overseers of the highways to assist in clearing or maintaining any such cartway or road, shall refuse or neglect to attend and give his assistance in doing the same, he shall be subject to the like penalties, to be recovered in the like manner as in and by an act of assembly of this province, entitled "An act for erecting of bridges and maintaining highways,"¹ is provided and directed in case of the non-attendance of any person summoned to work in repairing of highways.

¹ Passed November 27, 1700, Chapter 57.

And if it shall happen that the said road shall be laid out through any man's improved ground, then the same shall be valued as in the aforesaid act of assembly is directed, and the value thereof shall be paid to the owner or owners of the land by the person or persons at whose request and for whose use the same was laid out, and by those who shall use the same as a common road to and from their own dwellings.

And if the owner or owners of such lands through which any such cartway shall be laid out, or if the owner or owners of lands through which any cartway or road has been already laid out in pursuance of the before-mentioned act of assembly, the same road being only for the use of a few families, shall be desirous to hang swinging gates upon such roads, it shall and may be lawful for the justices aforesaid to appoint persons in the manner directed for laying out roads in the aforesaid act of assembly to inquire whether such gate or gates may without much inconveniency to the persons using the said road be hung upon the same. And if the persons appointed to view the place shall certify to the justices aforesaid that a gate or gates may be hung according to the prayer of the party without much inconveniency to the person or persons using the same, the justices shall in such case order and appoint that such gate or gates may be hung accordingly, and that the same shall be made and kept in good repair by the owner of the said land and made easy for the passage of the persons using the said road, the aforesaid act of assembly or any other law of this province to the contrary in anywise notwithstanding.

Passed February 20, 1735-36. See Appendix XII, Section I, and note to the Act of Assembly passed November 27, 1700, Chapter 55, and the Acts of Assembly passed February 17, 1762, Chapter 479; May 18, 1765, Chapter 526; September 29, 1770, Chapter 614; March 21, 1772, Chapter 653; September 30, 1779, Chapter 850; April 13, 1782, Chapter 976; February 8, 1785, Chapter 1126; September 29, 1787, Chapter 1320; December 4, 1789, Chapter 1471; April 5, 1797, Chapter 1953; March 1, 1800, Chapter 2114; April 6, 1802, P. L. 178; April 3, 1804, P. L. 507; April 3, 1809, P. L. 143; March 30, 1811, P. L. 189; February 22, 1812, P. L. 44; February 6, 1815, P. L. 27; March 1, 1815, P. L. 56; March 24, 1818, P. L. 276; March 30, 1829, P. L. 114; June 13, 1836, P. L. 551; April 16, 1838, P. L. 637; February 24, 1845, P. L. 52; April 15, 1845, P. L. 449; April 21, 1846, P. L. 416; March 16, 1847, P. L. 476; April 8, 1848, P. L. 414; February 27, 1849, P. L. 90; April 26, 1850, P. L. 592; May 8, 1850, P. L. 713; April 12, 1851,

P. L. 518; April 13, 1854, P. L. 360; May 8, 1854, P. L. 645; May 3, 1855, P. L. 422; April 22, 1857, P. L. 296; April 21, 1858, P. L. 385; March 31, 1860, P. L. 382; March 24, 1868, P. L. 464; April 13, 1868, P. L. 92; April 27, 1869, P. L. 1235; May 3, 1869, P. L. 1247; February 23, 1870, P. L. 228; May 14, 1874, P. L. 164; May 2, 1876, P. L. 95; May 25, 1878, P. L. 150; June 10, 1881, P. L. 105; May 19, 1887, P. L. 139; May 23, 1887, P. L. 180; May 8, 1889, P. L. 129; (the two acts of) May 9, 1889, P. L. 173, 178; May 16, 1891, P. L. 90; May 23, 1891, P. L. 109; May 26, 1891, P. L. 116; June 12, 1893, P. L. 451.

CHAPTER CCCXLIII.

AN ACT FOR VESTING THE STATE HOUSE AND OTHER PUBLIC BUILDINGS, WITH THE LOTS OF LAND WHEREON THE SAME ARE ERECTED, IN TRUSTEES FOR THE USE OF THIS PROVINCE.

Whereas by the directions of the representatives of the freemen of the province aforesaid Andrew Hamilton and William Allen, Esquires, made purchases of divers lots of land situate and being on the south side of Chestnut street, in the city of Philadelphia, lying contiguous to each other and bounded as followeth, viz.: Beginning at a corner on the east side of the Sixth street from Delaware and on the south side of Chestnut street, and extending thence by the said Chestnut street south seventy-five degrees east three hundred and ninety-six feet to a corner on the west side of the Fifth street from Delaware, thence by the same south fifteen degrees west three hundred and thirty-seven feet, thence by other ground north seventy-five degrees west one hundred forty-eight feet and a half to a line of a lot of ground reputed to be vacant, thence by the same these three several courses and distances next following, viz.: North fifteen degrees east eighty-two feet, thence north seventy-five degrees west ninety-nine feet, thence south fifteen degrees west eighty-two feet, thence by other ground north seventy-five degrees west one hundred forty-eight feet and a half to the east side of the Sixth street aforesaid, thence by the same north fifteen degrees east three hundred and thirty-seven feet to the place of beginning.

And whereas since those purchases [were] made a state
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