

No. 326.

AN ACT

Authorizing a survey of the borough of Germantown.

SECTION 1. *Be 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 burgess and town council of the borough of Germantown, in the county of Philadelphia, are hereby authorized and required to appoint one or more surveyors, who are hereby enjoined and required as soon as conveniently may be, to survey and mark the lines of all the streets, roads, lanes, courts and alleys now open or intended to be opened for public use within the said borough, and also to survey and lay out such other new streets, roads, lanes, courts and alleys and common sewers within the said borough, as he or they shall deem necessary for a regular and convenient town plan; and for the more equal distribution and ready discharge of the waters thereof, and to regulate the height of the streets and gutters, and the width of the foot-ways thereof, and for that purpose the said surveyor or surveyors shall have full power and authority, with or without his or their assistant or assistants, to enter upon the land of any person or persons within the said borough; and when the said survey and regulation shall be completed, the said surveyor or surveyors shall make or cause to be made two drafts or plans thereof, with every explanation necessary for a full understanding of the same; and one of the said drafts or plans shall be returned to the said burgess and town council, who shall keep the same in such place as they shall fix upon, and the other of the said drafts or plans shall be returned to the clerk of the court of quarter sessions of the county of Philadelphia, to be filed in his office for public inspection and examination; and it shall be the duty of the said burgess and town council to give at least thirty days' previous notice, in any public newspaper that may be published in said borough, and by handbills posted up in at least ten of the most public places in the said borough, that on a certain day to be appointed by the court, the said court will hear any objections that may be made thereto by any freeholder of the said borough, and where the said drafts or plans are deposited for inspection; and the said court shall at the time appointed, adjudge and determine whether any and what alteration shall be made therein, and shall direct the said draft or plan, with such alterations as shall be made, to be recorded in the office for recording of deeds for the city and county of Philadelphia; and thenceforth all the streets, roads, lanes, courts and alleys shall be forever deemed, adjudged, and taken to be public highways; and the survey and regulation so returned and recorded, shall be and remain unalterable; and inasmuch as the public convenience will be for the present answered by the certain knowledge where and in what manner such streets, roads, lanes, courts and alleys will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time, as the increasing improvement of the borough may require, it shall and may be lawful for any number of freeholders of the said borough, not less than seven, whose lands lie near or adjoining to such street, road, lane, court or alley, to

Authorized to appoint surveyors.

Surveyors, duties of.

Mark lines of all streets, roads, lanes, &c.

Regulate height of streets, &c.

Enter upon lands.

Make drafts or plans.

Drafts to be returned to the clerk of the court of quarter sessions.

Proceedings in court.

Draft or plan to be recorded.

apply by petition to the court of quarter sessions of the county of Philadelphia, who after hearing the petitioners and such other freeholders through whose lands such street, road, lane, court or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same; and if the court shall be of opinion that the state of improvement in the neighborhood is such as to require the opening thereof, they shall issue their warrant, directed to the person or persons having charge of the streets, roads, lanes, et cetera, in the said borough, enjoining and requiring him or them to open such street, road, lane, court or alley, according to the plan or draft of the same: *Provided always*, That no such street, road, lane, court or alley so laid out, shall be opened and appropriated to public use until the owner or owners of the ground through and over which the same may pass, shall have been compensated for any damage he or they may sustain thereby, which compensation shall be ascertained and paid agreeably to the provisions of an act, entitled "A supplement to the act, entitled 'An Act for laying out and keeping in repair the public highways within this commonwealth, and for laying out private roads,' passed the third day of April, one thousand eight hundred and four."

Proviso.

Burgess and town council authorized to divide said borough into sections, &c.

SECTION 2. That the said burgess and town council are hereby authorized and empowered from time to time, as they shall see fit, to divide the said borough into as many sections or parts, and to such extent as to them shall seem convenient and necessary, whether such part consists in surveying and laying out new streets, roads, lanes, courts, alleys or common sewers, in surveying and marking the lines of any streets, roads or lanes, courts or alleys now open, or intended to be opened for public use, or in regulating the height of any streets, gutters, or the width of the foot-ways thereof; and the drafts or plans of any such part or parts being from time to time made, returned, and in all respects proceeded upon as in the manner prescribed in the first section of this act, and shall with respect to the part or parts therein comprehended, have the same force and effect as if one general draft or plan had been made, returned and proceeded on.

Burgess and town council shall draw orders on their treasurer, &c.

Proviso.

SECTION 3. That the said burgess and town council shall whenever required as the said survey and regulation shall progress, draw orders on their treasurer for the pay and incidental expenses of the said surveyor or surveyors, who is hereby enjoined and required to pay the amount of such order or orders out of the first money in his hands arising from their general corporation tax: *Provided*, That the present rate of corporation taxes levied in said borough, shall not be increased by reason of such survey.

WILLIAM F. PACKER.

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.