

No. 630.

AN ACT

To enable the courts to vacate lanes, alleys, roads and highways, when become useless.

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 whenever any private or public lane, alley, road or highway shall, by reason of forming town plots or otherwise, become useless to the public and those having lands bounding thereon, it shall be lawful for any twelve freeholders of the vicinity, to petition the court of quarter sessions of the proper county, setting forth such fact, and whether the same was laid out by the public or private owners, whereupon, the said court shall grant a rule to show cause why such lane, alley, road or highway be not closed up and vacated, which rule shall be published in one or more newspapers for four weeks, twice a week, in any city, and once a week in other parts of the State; and in the case of a private alley, lane or road, all persons having interests and rights therein, who shall not be petitioners, shall have notice thereof, in writing, duly served upon them; and upon hearing all parties interested, it shall be lawful for the court to decree the vacation of any such lane, alley, street or highway, presently upon such hearing or after such further delay as the said court may think necessary for the expression of the views of all parties desiring to be heard: *Provided*, That in the case of a private way laid out by the owners of the soil, the same shall not be vacated without, the consent of all persons for the time having an interest therein, for which purpose a guardian may consent for a minor, a committee for a lunatic, and husband and wife for the wife, and trustees for the estates they hold in trust: *And provided*, That in the case of a public way, the court may, if it deems it necessary, refer the ascertainment of the facts to six road viewers, to be appointed or drawn according to law, to report for the information and final judgment of the court.*

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty-four.

WM BIGLER.