

quired by law. The appeal shall be held by the county treasurer, acting in conjunction with the mercantile appraiser, at such date as shall conform with law in all counties, except where there is a board of mercantile appraisers, in which case the board shall hear all appeals. Any vender or dealer, subject to the provisions of this act, who is dissatisfied with the [rating] *assessment* so made by the mercantile appraiser, shall have the right of appeal to the mercantile appraiser and county treasurer, or board of mercantile appraisers, who are required to hear him on the day so fixed for the appeal; if the vender or dealer is still dissatisfied with the finding of the county treasurer and mercantile appraiser, or board of mercantile appraisers, [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county, which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken, or at the next sitting thereof. If any person fails to attend the appeal before the county treasurer and mercantile appraiser, board of mercantile appraisers, or the court, he shall not thereafter be permitted, in a suit for the recovery of said mercantile license tax, to set up as a defense, either that he is not a vender of or dealer in goods, wares or merchandise, or any other ground of defense, which might have been heard and determined either by said county treasurer and mercantile appraiser, board of mercantile appraisers, or the court of common pleas on appeal, as aforesaid.

Section 2. This act shall become effective immediately upon its final enactment.

Holding appeal.

Appeal to appraiser and treasurer.

Appeal to common pleas court.

Failure to attend appeal.

When effective.

APPROVED—The 7th day of May, A. D. 1937.

GEORGE H. EARLE

No. 153

AN ACT

Providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing

the increase of* city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

Highways.

Cities of the first class.

Section 1. Be it enacted, &c., That the following streets, or sections thereof, in cities of the first class, are hereby adopted by the Commonwealth as State highways, to be taken over upon the terms and conditions, and subject to the limitations hereinafter contained, and thereafter to be maintained, constructed, reconstructed, and resurfaced at the expense of the Commonwealth, upon the terms and conditions and subject to the limitations hereinafter provided.

Section 2. The city streets to be taken over, under the provisions of this act, in the cities hereinafter named, shall be designated by numbers, to be hereafter assigned by the Secretary of Highways, and are situate and described as follows:

In the City of Philadelphia—

Beginning at a point on the Philadelphia City-Yeadon Borough line on Baltimore Avenue, thence over Baltimore Avenue to an intersection with Forty-second Street, thence northerly over Forty-second Street to an intersection with Spring Garden Street, thence easterly over Spring Garden Street to an intersection with Thirty-first Street, thence northerly over Thirty-first Street to an intersection with Haverford Avenue, thence westerly over Haverford Avenue to an intersection with Forty-second Street, thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street, beginning again at the intersection of Thirty-first Street and Spring Garden Street, thence easterly over Spring Garden Street to an intersection with the Parkway, thence southeasterly over the Parkway to City Hall; beginning again at the intersection of the Parkway and Race Street, thence easterly over Race Street to the Delaware River Bridge approach, beginning again at the intersection of the Delaware River Bridge approach and Vine Street, thence westerly over Vine Street to an intersection with the Parkway, a distance of about 8.25 miles.

Beginning at a point on the Philadelphia City-Melbourne Borough line, thence over Market Street to an intersection with Cobb's Creek Parkway, thence southerly over Cobb's Creek Parkway to an intersection with Chestnut Street, thence easterly over Chestnut Street to an intersection with Fifth Street, thence northerly over Fifth Street to an intersection with Spring Garden Street, beginning again at the intersection of Spring Garden Street and Sixth Street, thence southerly over Sixth Street to an intersection with Walnut Street, thence westerly over Walnut Street to an intersection

* "or" in the original.

with Cobb's Creek Parkway, thence northerly over Cobb's Creek Parkway to an intersection with Chestnut Street; beginning again at the intersection of Cobb's Creek Parkway and Walnut Street, thence southerly over Cobb's Creek Parkway to an intersection with Sixty-third* Street, thence southerly over Sixty-first Street to an intersection with Baltimore Avenue, a distance of about 14.00 miles.

Beginning at a point on the Philadelphia City-Yeadon Borough line on Sixty-fifth Street, thence easterly over Sixty-fifth Street, Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue, thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street, thence northwesterly over Fifty-second Street to an intersection with Chester Avenue, thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street, thence northerly over Forty-second Street to an intersection with Baltimore Avenue, thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue, thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street, a distance of about 4.00 miles.

Beginning at a point on the Philadelphia City-Bucks County line on Roosevelt Boulevard, thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue, thence over Hunting Park Avenue to an intersection with Allegheny Avenue, thence westerly over Allegheny Avenue to an intersection with Ridge Avenue, thence over Ridge Avenue and Park Drive to an intersection with City Avenue, thence southwesterly over City Avenue to the Philadelphia City-Delaware County line at Cobb's Creek, a distance of about 20.00 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Lancaster Avenue, thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street, a distance of about 3.50 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Conshohocken Avenue, thence southeasterly on Conshohocken Avenue to an intersection with Belmont Avenue, thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue, beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue, thence southerly over Thirty-ninth Street, Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue, thence southeasterly over University Avenue to an intersection with Thirty-fourth Street, thence southerly over Thirty-fourth Street to an

* Should be "Sixty-first."

intersection with Maiden Lane, thence southeasterly over Maiden Lane to an intersection with Snyder Avenue; thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street, thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue. Beginning again at the intersection of Thirty-ninth and Filbert Streets, thence northerly over Filbert Street, Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue, a distance of about 6.70 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Old York Road, thence southerly over Old York Road to an intersection with North Broad Street, thence southerly over North Broad Street to City Hall, thence by West Penn Square to the intersection of South Broad Street and South Penn Square, a distance of about 8.00 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Wadsworth Avenue, thence southwesterly on Wadsworth Avenue to an intersection with Easton Road, thence along Easton Road to an intersection with Mt. Airy Avenue, thence along Mt. Airy Avenue to an intersection with Germantown Avenue; beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue, thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive, a distance of about 2.66 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Ogontz Avenue, thence southerly on Ogontz Avenue to an intersection with Stenton Avenue, thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street, a distance of about 2.20 miles.

Beginning at a point on the Philadelphia City-Bucks County line on Bustleton Avenue, thence southerly on Bustleton Avenue to an intersection with Welsh Road, thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard, a distance of about 4.50 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Philmont Avenue, thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue, a distance of about 0.70 of a mile.

Beginning at a point on the Philadelphia City-Bucks County line on Frankford Avenue, thence southwesterly on Frankford Avenue to an intersection with Levick Street, thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard, a distance of about 6.00 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Cottman Avenue, thence south-

easterly over Cottman Avenue to an intersection with Frankford Avenue; beginning again at the intersection of Frankford Avenue and Levick Street, thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge, a distance of about 4.50 miles.

Beginning at a point on the Philadelphia City-Delaware County line on Eighty-fourth Street, thence southeasterly over Eighty-fourth Street to an intersection with Tincum Avenue, thence northeasterly over Tincum Avenue to an intersection with South 80th Street, thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road, thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue, thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue, thence over Moyamensing Avenue to an intersection with South Broad Street, thence northerly on South Broad Street to City Hall, thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street, a distance of about 7.40 miles.

Beginning at a point on the Philadelphia City-Delaware County line on Tincum Avenue, thence northeasterly on Tincum Avenue to the intersection of Tincum Avenue and Eighty-fourth Street; beginning again at the intersection of Moyamensing Avenue and Oregon Avenue, thence easterly on Oregon Avenue to an intersection with Swanson Street, thence northerly on Swanson Street to an intersection with Delaware Avenue, thence northerly on Delaware Avenue to an intersection with Richmond Street, thence northeasterly on Richmond Street to an intersection with Bridge Street, thence northwesterly on Bridge Street to an intersection with Tacony Street, thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge, a distance of about 12.70 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Germantown Avenue, thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue, thence northeasterly on Mt. Pleasant Avenue to Chew Street, thence southeasterly on Chew Street to an intersection with Olney Avenue, thence easterly over Olney Avenue to an intersection with Rising Sun Avenue; beginning again at the intersection of Rising Sun Avenue and Adams Avenue, thence over Adams Avenue to an intersection with the Roosevelt Boulevard, a distance of about 8.76 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Bethlehem Pike, thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue; beginning again at an intersection of Germantown Avenue and Allen's Lane, thence

southerly over Allen's Lane to an intersection with Lincoln Drive, thence southerly on Lincoln Drive to an intersection with Cliveden Street, thence southerly on Cliveden Street to an intersection with Park Line, thence over Park Line to an intersection with Walnut Lane, thence over Walnut Lane to an intersection with Ridge Avenue, thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue; beginning again at the intersection of Allegheny Avenue and Ridge Avenue, thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street, thence southerly on Twenty-ninth Street to an intersection with Girard Avenue, thence easterly on Girard Avenue to an intersection with West College Avenue, thence southerly on West College Avenue to an intersection with Twenty-fifth Street, thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue, thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street, thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue; beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street, thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street, thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue; beginning again at the intersection of Girard Avenue and Twenty-ninth Street, thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street; beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue, thence westerly over Spring Garden Street to an intersection with a park drive, a distance of about 11.00 miles.

Beginning at a point on the Philadelphia City-Rockledge Borough line on Oxford Avenue, thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue, thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard, a distance of about 3.40 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Haverford Avenue, thence southeasterly on Haverford Avenue to an intersection with Forty-second Street, a distance of about 4.25 miles.

Beginning at a point on the Philadelphia City-Delaware County line on Lansdowne Avenue, thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue; beginning again at an intersection of Haverford Avenue and Girard Avenue, thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street, thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street, a distance of about 4.80 miles.

Beginning at a point on the Philadelphia City-Delaware County line on Seventy-first Street, thence north-erly over Seventy-first Street to an intersection with Lansdowne Avenue, a distance of about 0.50 of a mile.

Beginning at a point on the Philadelphia City-Montgomery County line on East Washington Lane, thence southwesterly over East Washington Lane to an inter-section with Stenton Avenue, thence southeasterly on Stenton Avenue to an intersection with Washington Lane, thence southwesterly on Washington Lane to an intersection with Wayne Avenue, thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive, a distance of about 3.20 miles.

Beginning at a point on the Philadelphia City-Montgomery County line on Ridge Avenue, thence southeast-erly on Ridge Avenue to an intersection with Walnut Lane; beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue, thence easterly over Allegheny Avenue to an intersection with Sedgley Ave-nue, thence northeasterly on Sedgley Avenue to an in-tersection with Ninth Street, thence southeasterly on Ninth Street to an intersection with Allegheny Avenue, thence easterly over Allegheny Avenue to an intersection with Richmond Street, a distance of about 9.00 miles.

Beginning at the Philadelphia City-Darby Borough line on Woodland Avenue, thence northeasterly on Woodland Avenue to an intersection with Island Ave-nue, thence southeasterly on Island Avenue to an in-tersection with Passyunk Avenue, thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue, thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street, thence southeasterly on South Sixty-third Street to an intersection with Pass-yunk Avenue, thence northeasterly on Passyunk Ave-nue to an intersection with South Broad Street; begin-ning again at the intersection of Washington Avenue and South Broad Street, thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue, a distance of about 6.25 miles.

Provided, however, that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities, in the same manner as other streets are now opened which form a part of the same route, as herein described.

Section 3. The city streets, or sections thereof, here-inbefore described shall be taken over by the Common-wealth, through the Department of Highways not later than the first day of January, one thousand nine hun-dred thirty-eight, subject, however, to the following ex-ceptions:

Streets to be
taken over not
later than
January 1, 1938.

(a) No city street, or part thereof, described in section two of this act, shall be taken over by the Commonwealth, if an order or decree for the improvement thereof has been issued, until there has been full compliance with the terms of such order or decree;

(b) No city street, or part thereof, described in section two of this act, shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities, or both, until the contract has been completed;

(c) No city street, or part thereof, described in section two of this act, shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done, until the terms of the agreement have been fulfilled.

Act construed.

Section 4. This act is not intended and shall not be construed—

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth, but such duty shall be and remain the obligation of the cities;

(b) To place upon the Commonwealth any obligation for the maintenance, construction, reconstruction or resurfacing of said streets other than the base or surface courses;

(c) To place upon the Commonwealth, through the Department of Highways, any obligation to maintain, construct or reconstruct any structure of any kind or character, whatsoever situate, upon or forming part of any city street, or section thereof, described in section two of this act, except that the Secretary of Highways may assume the obligation to maintain, construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street, other than storm or sanitary sewers, and which were the sole obligation of the city prior to the passage of this act. Responsibility for the construction, reconstruction, and maintenance of any other structures shall remain with the city, person, association or corporation responsible therefor at the date of the approval of this act;

(d) To authorize any assessment to be made against the Commonwealth by reason of, or to assist in the elimination of any grade crossing, or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act, and no such assessment shall hereafter be made under any act of Assembly heretofore enacted;

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company, nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted;

(f) To place upon the Department of Highways any authority to regulate traffic, parking or the general use by the traveling public of the streets, or sections thereof, taken over by the Commonwealth for maintenance or improvement under the provisions of this act: Provided, however, That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets, or sections thereof, described in section two of this act, during such time as improvements are being made thereon, and in such case, the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act.

Proviso.

Section 5. After the streets described in section two of this act shall have been taken over by the Commonwealth, they shall be maintained, constructed, reconstructed, and resurfaced by the Department of Highways at the expense of the Commonwealth, and such construction, reconstruction, and resurfacing shall be of such type as shall be determined by the Secretary of Highways, with the approval of the Governor, and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways. The obligation of the Commonwealth in the construction, reconstruction, resurfacing or maintenance as hereinbefore provided, shall be limited to that part of the street, or section thereof, between curb lines as established at the time of passage of this act, but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company: Provided, That it shall nevertheless be lawful for the Department of Highways to enter into agreements, in the discretion of the Secretary of Highways, with the cities or with persons, associations or corporations for the sharing with the Commonwealth of the cost of construction, reconstruction or resurfacing of the streets, or sections thereof, taken over by the Commonwealth under this act.

Department to construct and maintain streets taken over by State.

Section 6. The maintenance of said streets, authorized under the provisions of this act, shall not include snow removal or street cleaning, and shall be limited to the portions of the street between existing curb lines available to vehicular traffic.

Does not include snow removal.

Section 7. The Department of Highways shall not change the width, lines or grades of the streets taken over under the provisions of this act, or any section thereof, but such changes, as may be approved or recom-

Department not to change width, lines or grades of streets.

mended by the Secretary of Highways, shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto, and in the event of any change of width, lines or grades in accordance with the provisions of this section, the city shall be responsible for the payment of any damages, which may be occasioned thereby, in the manner provided by law, such damages to be ascertained and paid in accordance with the laws applicable thereto.

Utility companies to make changes before commencement of work.

Section 8. Before the Department of Highways shall proceed with the construction, reconstruction or resurfacing of any of the streets, or sections thereof, as described in section two of this act, the city, after being notified of the contemplated improvement, shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work, and shall agree that the said street, or sections thereof, when completed, shall not be torn up or opened for a period of five years, except in emergency cases, and subject to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs.

No opening may be made in any street without permission of Highway Department.

Section 9. No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act, until and unless a permit has been obtained for such opening from the Department of Highways. Any person, firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than twenty-five (\$25.00) dollars, and in addition thereto, the costs of prosecution and surface restoration charges, and in default of the payment thereof shall undergo imprisonment for not more than five days.

Detours.

Section 10. Before the commencement of any work authorized under the provisions of this act, the city shall, upon notice from the Secretary of Highways so to do, establish and thereafter maintain, at its own expense, an adequate detour for the accommodation of the traveling public, for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel. Such detour, when established as herein provided, shall be marked and posted by the Department of Highways at the expense of the Commonwealth.

Cities may increase indebtedness.

Section 11. Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of

obligations of the city, in the manner and subject to the limitations provided by law, for the purpose of assisting in the improving, constructing, reconstructing or resurfacing any of the streets, or sections thereof, the improvement of which is authorized in accordance with the provisions of this act.

Section 12. All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance, construction, reconstruction or resurfacing of any street, or section thereof, under the provisions of this act, shall be deposited in the Motor License Fund, and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act.

Moneys received by State to be placed in Motor License Fund.

Section 13. It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein.

Constitutional provision.

Section 14. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Inconsistent acts repealed.

Section 15. This act shall become effective the first day of January, one thousand nine hundred and thirty-eight.

When effective.

APPROVED—The 7th day of May, A. D. 1937.

GEORGE H. EARLE

No. 154

AN ACT

To amend sections one, two, and six of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred ninety-two), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth, who are not employed, by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualifications for teachers and leaders in extension education.

Section 1. Be it enacted, &c., That sections one, two, and six of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred ninety-two), entitled "An act to

Public schools. Sections one, two, and six, act of May 2, 1925 (P. L. 492), amended.