

imposed and levied in a summary way by the judgment of any justice of the peace.

[Section II.] Be it therefore enacted by the authority aforesaid, That the [said] supervisors respectively shall be likewise liable to be indicted in the courts aforesaid and on conviction to be fined at the discretion of the justices thereof in any sum not less than three pounds nor exceeding ten pounds for every such neglect of duty of the said supervisors according to the nature of the case, such fines to be applied to the repairing of the public roads and highways of the township or district.

Passed September 29, 1787. Recorded L. B. No. 3, p. 242, etc.

See the Acts of Assembly passed December 4, 1789, Chapter 1471;

April 5, 1797, Chapter 1953.

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## CHAPTER MCCCXXI.

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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 ACCOMODATION OF THE INHABITANTS AND TO LAY OUT THE ROADS THEREIN MENTIONED THROUGH THE SAID DISTRICT AND PARTS OF THE TOWNSHIPS OF MOYAMENSING AND PASSYUNK.

(Section I. P. L.) 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 any 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.

[Section I.] (Section II. P. L.) 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 matter 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, which person or persons so to be appointed shall have the same powers as if he or they were named in this act.

[Section II.] (Section III. P. L.) 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 according to the best of their judgment and abilities without favor or partiality.

[Section III.] (Section IV. P. L.) 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 have not already been laid out, as in the best of their judgment will be necessary to accomodate 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.

[Section IV.] (Section V. P. L.) 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 fourth 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 highroads, 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 forever hereafter deemed, adjudged and taken to be public highways for the use of the inhabitants of this state.

(Section VI. P. L.) 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.

[Section V.] 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, is shall and may be lawful to and for the supreme executive council after hearing the said 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 the time to open such street or road, and if they shall be of opinion that the state of improvement in the neighborhood 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.

[Section VI.] (Section VII. P. L.) 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 township he shall inquire 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 inquiry the supreme executive council shall make an order or orders on the supervisors of the said district or townships in favor 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.

[Section VII.] (Section VIII. P. L.) 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.

[Section VIII.] (Section IX. P. L.) 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 districts 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 districts 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.

[Section IX.] (Section X. P. L.) 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 moneys in their hands raised by and upon the inhabitants thereof.

Passed September 29, 1787. Recorded L. B. No. 3, p. 258, etc.  
See the Acts of Assembly passed March 28, 1796, Chapter 1890.