

CHAPTER MMDCCCXXXIX.

AN ACT VACATING A PART OF THE OLD YORK ROAD, AND AUTHORIZING THE COURT OF QUARTER SESSIONS OF MONTGOMERY COUNTY TO DIRECT A NEW ROAD TO BE LAID OUT IN PLACE THEREOF.

Whereas it has been represented to the legislature, that in pursuance of an order of the governor and council of the then province of Pennsylvania, passed in the year one thousand seven hundred and twelve, a provincial or state road was laid out from John Reading's landing on the river Delaware, to the city of Philadelphia: That the said commissioners did not direct of what width the said road, commonly called the Old York road, should be, and that the persons employed to open the same did not do it upon the ground intended by the commissioners; and for want of certain and permanent marks at the different angles of the road as laid out by the commissioners, and from the lapse of time, it is not now practicable to ascertain with certainty where the road was originally laid: That in consequence of this, disputes have arisen among the persons holding lands on the said road, involving the peace and harmony of the neighborhood: And whereas, doubts have arisen as to the power of the ordinary courts of the proper county to remedy those evils, inasmuch as the said road is considered as a state road: For remedy whereof,

Section I. (Section I, P. L.) 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 so much of the road commonly called the Old York road, as lies between the termination of the Cheltenham and Willow Grove turnpike, and the south-west boundary of Bucks county, be, and the same is hereby vacated; but the same shall nevertheless be and remain and be used and occupied as it now is, for and during the space of one year from the passing of this act; and if any

person or persons within the time aforesaid shall, by buildings or otherwise, encroach upon the said road as it is now used and known, he or they shall be liable to indictment for the same, and the court after judgment may direct the nuisance forthwith to be removed.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the court of quarter sessions of Montgomery county, is hereby authorized and required immediately after the passing of this act, to appoint a jury of twelve men to view the said road, no one of which jury shall be owners of real estate adjoining the said road; and if the said jury or any seven of them shall be of opinion that the said road as it now runs, and is known and occupied, is of sufficient width and of proper courses in the said county, they shall cause the same to be accurately surveyed, and some permanent mark to be placed on the west side of the road at its commencement and termination, and on the same side at the different angles thereof, and make return of their proceedings to the court aforesaid; and if the court approve and confirm the same it shall thereafter be and remain a county road, subject to the same regulations as to the repairs thereof, and remedies for nuisances as any other county road in this commonwealth: Provided always, that the expense incurred in examining and laying out the said road shall be discharged by the county of Montgomery.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the said viewers or any seven of them shall be of opinion that the said road, as it is now occupied and known, requires to be increased in width or altered in its courses, the said jury or any seven of them are authorized to increase the width and alter the courses of the said road, and make return of their proceedings to the court aforesaid; saving to all parties their right of indemnification, agreeably to the provisions of the act, entitled "An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out

private roads."⁽¹⁾ And if the court approve and confirm the report of the jury aforesaid, it shall be and remain a county road, subject to the same regulations as other county roads within this commonwealth.

Approved April 7, 1807. Recorded in L. B. No. 11, p. 29.
Note (1) Chapter 2298, 17 Statutes at Large p. 151.

CHAPTER MMDCCCXL.

AN ACT VESTING A TITLE TO SIXTY ACRES OF LAND IN MAHANAY TOWNSHIP, NORTHUMBERLAND COUNTY, IN CERTAIN TRUSTEES AND THEIR SUCCESSORS, FOR THE BENEFIT OF A CONGREGATION COMPOSED OF PRESBYTERIANS AND LUTHERANS.

Whereas it has by petition been represented to the legislature by the members of a congregation composed of Presbyterians and Lutherans, that the said congregation have erected a house for public worship and a school house, on a tract of land containing about sixty acres, situate in Mahanoy township, in Northumberland county, which tract is the property of the commonwealth; that the land is of inferior quality and but little improved, and the congregation but few in number, and not wealthy; they therefore have prayed the legislature to vest a title in certain trustees and their successors, for the benefit of the said congregation, in enabling them to promote piety and diffuse useful learning: And whereas, it is just and consistent with a generous policy which ought to be pursued in a republican government to aid their less wealthy citizens in establishing useful institutions: Therefore,

Section I. (Section I, P. L.) 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 officers of the land office are hereby authorized and required to issue a warrant, and complete a title on receiving the usual office fees, for sixty acres of land situate in Mahanoy township, in Northumber-