

THE DREAM OF THE TOY.

The Sandman lost a dream one night— A dream meant for a boy; It floated round a while, and then It settled on a Toy.

—Katherine Ryde.

A BIT OF BUTTON.

It must have been ten years ago, that lazy August afternoon, that I read and read alternately on the couch, where a breeze from the south window came in to ruffle the leaves of the book.

"Come in!" "The door is shut," he answered. I climbed down from the couch, and let him in. It must have been a sprained ankle from which I was suffering that day, for I remember the pain the movement caused.

The New Road Law of Pennsylvania.

A Matter of Interest to Every Taxpayer—The Road Law Passed by the Last Legislature—An Act Establishing a New Department and Building Public Roads Under State Supervision.

Below we publish the entire Act of Assembly which is designed to revolutionize public road making in Pennsylvania. The change from the old system is so radical that we publish the law in toto so that every taxpayer may be conversant with it.

Providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner and staff of assistants, and defining the powers and duties thereof; authorizing the State Highway Department to co-operate with the several counties and townships, and with boroughs in certain instances, in the improvement of the public highways.

Section 1. Be it enacted, &c., That immediately upon the approval of this act, a State Highway Department shall be established by the appointment, by the Governor or of the Commonwealth, with the advice and consent of the Senate, for a term of four years, of a State Highway Commissioner, who shall be a competent civil engineer.

"There is more, much more; but how did you know it was Ike's?" I had just finished telling him about the old masquerade outfit, when there came an interruption.

"My law partner, Mr. Rogers—my friend Professor Monroe." We talked on desultory themes for a few moments, and I thought he had forgotten Isaac.

"I suppose the button is just as much yours as it is mine. But that is why I have it. You know, Ralph, Isaac was always pretty much what you call in police court, plain dress, and he didn't improve with age.

"It came up at a meeting, and most of the members wanted to expel him, but the old man had some friends, and after he had made a plea with tears streaming down his face, some of us hadn't the heart to do it.

"A moment later it all happened. In an instant, while we could scarcely breathe, the State Police tottered on to the track just as the Chicago express shot around the curve a few feet away.

"I know this is retrogression, but the scene came to me, as pictures sometimes will, at a word to recall them. I was sipping a late cup of coffee in a restaurant several thousand miles from that August afternoon, briefly scanning the morning paper.

Section 2. The State Highway Department shall be provided with suitable rooms in the State buildings at Harrisburg, and its offices shall be open at all reasonable times for the transaction of public business.

Section 3. Whenever the county commissioners of any county shall represent by petition to said State Highway Department that any principal highway in said county, outside of corporate limits of any city or borough, is not in a satisfactory condition for comfortable or economical travel, and ought to be reconstructed under the provisions of this act, and shall furnish to said Department an accurate plan of the layout, lines, profile and established grade of such highway, and shall file with the State Highway Commissioner a true and correct copy of the same.

Section 4. All highways improved under the provisions of this act shall conform to the standard of construction established by the State Highway Department, as best adapted to the locality in which they may be located, with due regard to the topography and natural conditions, and the availability of road building materials, and shall be constructed according to the best engineering practice.

Section 5. All work done under the provisions of this act shall be by contract, according to plans and specifications to be prepared by the State Highway Commissioner and approved by the county commissioners of the county and the supervisors or commissioners of the township or townships, as hereinbefore provided, and in awarding said contracts the work shall be given to the lowest and best bidder.

Section 6. Any township may, through its supervisors or commissioners, be authorized to bid for the construction of such portion of highway improvement, undertaken under the provisions of this act, as may lie within its limits; and any township submitting such bid shall have the same consideration as other bidders, and, if awarded the contract, shall fulfill the same and be subject to the same regulations as are laid down for other bidders.

Section 7. Upon the completion of any highway, rebuilt or improved under the provisions of this act, the State Highway Commissioner shall immediately ascertain the total expense of the same, apportion the said total expense between the State, the county and the township, or townships, in the proportion hereinbefore provided; and in case the said improved highway shall extend into or through two or more townships, he shall apportion the proportion of the expense, aforesaid, to be borne by each township among the several townships, in the same proportionate parts as the cost of the improvement within each township shall bear to the whole expense of the improvement which has been made according to the provisions of this act; and the State Highway Commissioner shall certify the total expense of said improvement to the county commissioners and to the supervisors or commissioners of the township, or townships, in which the improved highway has been constructed, respectively, specifying the amounts to be borne by the State, the county and the township, or each township, as provided by this act.

Section 8. The State's share of the expense of highway improvement or maintenance, under the provisions of this act, shall be paid by the State Treasurer upon the warrant of the State Highway Commissioner, attested by the chief clerk of the State Highway Department, out of any specific appropriations made by the legislature to carry out the provisions of this act; and the share of the county in which said highway improvement, as herein provided, has been made, shall be a charge upon the funds of said county, and shall be paid by the county treasurer upon the order of the county commissioners. The share of the township or townships in which the highway improvement, as herein provided, has been made, shall be a charge upon the funds of said township, or townships, as the same progress; but not more than two-thirds of their proportionate shares of the contract price for the work shall be paid, in advance of the full completion of the same, by either the State Highway Department, the county, and the township, or townships, so that at least one-third of the full contract price shall be withheld until the work is satisfactorily completed and accepted, and the exact proportions of the cost thereof apportioned to the State, county and township, or townships: Provided, That a cash road tax be levied by each township, where such road is being improved, to meet the cost of such permanent road improvement as is provided in this act.

Section 9. Every contract authorized to be made by the State Highway Department, under the provisions of this act, shall be made in the name of the Commonwealth of Pennsylvania, and shall be signed by the State Commissioner of Highways and attested by the chief clerk of the department, and shall be approved, as to form and legality, by the Attorney General and the Deputy Attorney General of the Commonwealth. No contract for any highway improvement shall be let by the State Highway Department, nor shall any work be authorized under the provisions of this act, until the written agreement of the county commissioners of the county and the supervisors or commissioners of the township, or townships, in which said proposed improvement is to be made, agreeing to assume their respective shares of the cost, thereof, as hereinbefore provided, shall be on file in the office of the State Highway Department, and shall have been approved, as to the form and legality, by the Attorney General or the Deputy Attorney General of the Commonwealth.

Section 10. The county commissioners of any county may, upon the presentation to them of a petition from the supervisors or commissioners of any township, or of two or more adjoining townships, representing that any principal highway or section thereof, lying within said township or townships, is in need of reconstruction, and setting forth that said township or townships desire to take advantage of the provisions of this act to improve said highway, as a result of a petitioning the State Highway Department to undertake the improvement of the highway or section thereof specified in the petition from the township or townships aforesaid, and authorizing the assumption by the county of its share of the expense of said improvement; accompanying the said petition to the State Highway Department, a plan, profile and grade of such highway, as hereinbefore provided: Provided, That where the county commissioners petition to State Highway Commissioner for the improvement of a public road or parts thereof, they shall state the kind of material to be used or available for such road.

Section 11. The supervisors or commissioners of any township in any county of the Commonwealth may petition the county commissioners of said county to make application to the State Highway Department for the reconstruction or permanent improvement of any principal highway within the said township, or any section thereof which is much used as a thoroughfare by the people of said township and the neighboring townships, cities and boroughs, agreeing by resolution to assume, for said township, the proportionate share of the expense of said improvement, as hereinbefore provided. It shall be lawful for any township to incur indebtedness or to issue bonds, in the manner authorized by law, for the payment of the said township's share of the cost of any highway improvement undertaken under the provisions of this act. If within thirty days after the receipt of any petition for highway improvement in any township, under the provisions of this act, a petition, signed by the owners of a majority of the assessed valuation of real estate in said township, requesting the

application by said township for the improvement of any highway in said township for the improvement of any highway in said township according to the provisions of this act, it shall be the duty of the supervisors or commissioners of said township to petition the county commissioners in the manner hereinbefore described.

Section 12. In case the county commissioners of any county shall neglect or refuse to act upon the petition of any township or townships for highway improvement, as herein provided, or shall refuse to petition the State Highway Department for State aid in such proposed improvement, after said township or townships shall have complied with the conditions of this act in petitioning said county commissioners, the supervisors or commissioners of said township or townships may, through their proper officers petition the court of quarter sessions of said county for the appointment of a jury to examine into the necessity of said proposed highway improvement; and upon the said jury of view making a report favorable to said improvement, and with the approval of the court, it shall be the duty of, and the court may by order require, the said county commissioners to petition the State Highway Department for the co-operation of the State in the said proposed highway improvement, in the manner herein provided. Said jury of view to be appointed and compensated in the same manner, and to have the same powers, as juries of view for laying out or changing public roads have by existing law.

Section 13. The supervisors or commissioners of any adjacent townships, in the same county, in which any portion of a principal highway running into or through said townships may lie, may by resolution jointly petition the county commissioners of their county to make application to the State Highway Department for the co-operation of the State in repairing or rebuilding said highway, as herein provided.

Section 14. Advertisements for proposals for the reconstruction or improvement of highways under the provisions of this act shall be given by the county commissioners at least thirty days before the contracts may be awarded, by public notice in at least two newspapers of general circulation in the county in which the highway to be improved is located; such advertisements to designate where the plans and specifications may be had, and the time and place of the reception of bids and the letting of the contract.

Section 15. Ten per centum of the amount available for highway purposes, under the provisions of this act, shall be set aside for the purpose of making the cost of highways, as hereinbefore provided, and shall be apportioned by the State Highway Commissioner among the townships or counties applying for the same, in proportion to the mileage of improved highways made under the provisions of this act, or which have already been made or may hereafter be made, at the expense of such townships or counties, and which are of the standard prescribed by the State Highway Department for improved highways.

Section 16. Whenever the supervisors or commissioners of any township or county shall desire State aid for the purpose of maintenance of improved highways, whether State highways improved under the provisions of this act or otherwise, it shall be the duty of said supervisors or commissioners to file with the State Highway Department, on or before the first day of April in each year a sworn petition requesting State aid, and setting forth the number of miles of highways improved according to the standards of the State Highway Department in said township, and the cost of the same to said township, together with the condition of said improved highways and the annual cost of maintaining the same. The State Commissioner of Highways, in his judgment the conditions warrant the co-operation of the State in maintaining said highways, shall proportion to said townships its apportionment of the total amount available for the maintenance of improved highways, as hereinbefore provided, and the amount shall be paid to the supervisors or commissioners of said townships by warrant of the said State Highway Department; but in no case shall the amount thus given by the State for maintenance be more than one-half of the amount which, in the judgment and experience of the State Highway Commissioner, the annual cost of maintaining improved highways of the standard of construction prevailing in such township shall be, nor more than one-half the sworn, average cost of maintenance, as set forth in the petition of the supervisors or commissioners of the said townships.

Section 17. All highways, or portions of highways constructed or improved under the provisions of this act, shall thereupon be known as "State Highways," but so far as the same may be within the limits of any township, shall be kept in repair, so that they may be maintained at the standard of condition prescribed for highways of their class by the State Highway Department at the expense of said township; but the supervisors or commissioners of any township possessing improved highways shall ask for and receive State aid for the maintenance of the same as hereinbefore provided. It shall be the duty of the supervisors or commissioners of every township in which said State Highways may lie, to maintain the same generally at a reasonable standard, prescribed for such roads by the State Highway Department.

Section 18. The word "highway" as used in this act, shall be construed to include any existing causeway or bridge, or drain or water-course which may form a part of a road, and which might properly be built, according to existing laws, by the township or townships; but shall not include causeways or bridges which should properly be built by a county or counties, or by the State.

Section 19. Where a portion of an important main highway, traversing one or more townships, and for the improvement of which according to the provisions of this act application has been made by said township or townships, shall lie within the limits of any borough or boroughs, and where the failure of said borough or boroughs to improve the said highway would leave a break or unimproved section in a continuous improved highway, it shall be lawful for the county commissioners of the county in which said highway is located, to enter into an agreement with said borough or boroughs to bear a portion of the expense of said improvement of the highway within the borough limits, in the same manner as is herein provided for co-operation between the counties and townships; and the State Highway Department, may, if the State Commissioner so recommends, bear a portion of the expense of said improvement of said highway within said borough limits, but in no case shall the portion of said expense to be borne by the State exceed one-half of the total expense of said improvement, and boroughs shall only receive aid from the State as aforesaid in cases where failure to receive such aid would prevent a continuous improvement of an important main highway, provision for the rebuilding of which has been made in the township or township adjoining said

borough or boroughs. All improvements made in borough highways, as herein provided, shall be of a character similar to that specified for the township or townships through which the highway to be improved passes in reaching said borough and boroughs and the plan and specifications for the work shall be approved by the State Highway Department; and the completed work shall be approved by said department before any warrant shall be issued for the State's share in such improvement, as herein provided. It shall be the duty of the proper officers of said borough or boroughs, charged with the maintenance of the streets and highways of said borough or boroughs to keep and maintain said improved highway, within the borough limits, in a condition to conform to the standard established by the State Highway Department for the maintenance of similar highways.

Section 20. The Commonwealth of Pennsylvania shall not be liable to any person or corporation for damages arising from the rebuilding or improvement of any highway under this act, nor shall the State engage to keep such highway in repair after the same shall have been rebuilt or improved, except to extend the aid in maintenance herein provided. In case any person or persons, or corporations, shall sustain damages by any change in grade, or by the taking of land to alter the location of any highway which may be improved under this act, and the county commissioner and the parties so injured cannot agree on the amount of damages sustained, such persons or corporations may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess the damages; and the proceedings upon which said petition and by the viewers shall be governed by the laws relating to the assessment of damages for opening public highways, and such damages, when ascertained, shall be paid by the respective counties, and afterwards apportioned by the Commissioner of Highways, according to the provisions of section seven.

Section 21. In addition to his other duties, the State Highway Commissioner shall cause to be made and kept for the State Highway Department a general highway plan of the State, and compile statistics and collect information relative to the mileage, character and condition of the highways in the townships and counties of the State. He shall investigate and determine upon the necessity of reconstruction best adapted to the various sections of the State; and establish standards for the construction and maintenance of highways in the various sections, taking into consideration the topography of the country, the natural conditions and the character and availability of road-building material, and the ability of the townships and counties to build and maintain roads under the provisions of this act. He may, at all reasonable times, be consulted by county, city, borough or township officers having authority over highways and bridges, and shall, when requested, advise and give information to such officers relative to the construction, repairing, alteration and maintenance of the said highways and bridges. He shall at all times lend his aid in promoting improvement throughout the State, and shall prepare and disseminate useful information relative to road building and improvement.

Section 22. County commissioners or county engineers of the several counties of this State, and the officers of all cities, boroughs and townships in the State, who now have, or may hereafter have by law, authority over the public highways and bridges, shall, upon the written request of the State Highway Department, furnish said Department with any information relative to the mileage, cost of building, and maintenance, condition and character of the highways under their jurisdiction, and with any other useful information relating to the said highways.

Section 23. All highways improved under the provisions of this act shall require the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, cinder, oyster-shells, or other good materials, in such manner that the same of whatever material constructed, will, with reasonable repair thereto, at all seasons of the year, be firm, smooth and convenient for travel. The county commissioners shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the kind of a road to be built, shall be decided by the State Highway Commissioner. The State Highway Commissioner shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the probable cost of improved highways, as defined in this section.

Section 24. The sum of six millions five hundred thousand dollars is hereby appropriated to carry out the provisions of this act during the next six years. Of this sum, an amount not to exceed five hundred thousand dollars shall be available in the first year after the passage of this act, not more than five hundred thousand dollars shall be available in the second year, one million two hundred and fifty thousand dollars in each of the two next following years, and one million five hundred thousand dollars in each of the two years next following.

Section 25. All acts or parts of acts inconsistent herewith are hereby repealed: Provided, That the provisions of this act shall not be construed to repeal any of the provisions of the road acts approved June twenty-sixth, one thousand eight hundred and ninety-five (Amphlet laws, three hundred and thirty-six), and June twenty-three, one thousand eight hundred and ninety-seven (Amphlet laws, one hundred and ninety-four), and July ten, one thousand and nine hundred and thirty-six (Amphlet laws, six hundred and thirty-six).

Approved—The 15th day of April, A. D. 1903. SAML. W. PENNYPACKER.

The foregoing is a true and correct copy of the act of the General Assembly No. 141. FRANK M. FULLER, Secretary of the Commonwealth.

A Quaint Epitaph. The following epitaph is from a monument in a cemetery in Newark, N. J. Here lies the body of John Black Aged years That cherry tree of lascivious fruit, Beguiled him up too high; The branch did break and down he fell And broke his neck and died. Also three infant children.

Section 26. Any township may, through its supervisors or commissioners, be authorized to bid for the reconstruction or permanent improvement of any principal highway within the said township, or any section thereof which is much used as a thoroughfare by the people of said township and the neighboring townships, cities and boroughs, agreeing by resolution to assume, for said township, the proportionate share of the expense of said improvement, as hereinbefore provided. It shall be lawful for any township to incur indebtedness or to issue bonds, in the manner authorized by law, for the payment of the said township's share of the cost of any highway improvement undertaken under the provisions of this act. If within thirty days after the receipt of any petition for highway improvement in any township, under the provisions of this act, a petition, signed by the owners of a majority of the assessed valuation of real estate in said township, requesting the

application by said township for the improvement of any highway in said township for the improvement of any highway in said township according to the provisions of this act, it shall be the duty of the supervisors or commissioners of said township to petition the county commissioners in the manner hereinbefore described.

Section 27. In case the county commissioners of any county shall neglect or refuse to act upon the petition of any township or townships for highway improvement, as herein provided, or shall refuse to petition the State Highway Department for State aid in such proposed improvement, after said township or townships shall have complied with the conditions of this act in petitioning said county commissioners, the supervisors or commissioners of said township or townships may, through their proper officers petition the court of quarter sessions of said county for the appointment of a jury to examine into the necessity of said proposed highway improvement; and upon the said jury of view making a report favorable to said improvement, and with the approval of the court, it shall be the duty of, and the court may by order require, the said county commissioners to petition the State Highway Department for the co-operation of the State in the said proposed highway improvement, in the manner herein provided. Said jury of view to be appointed and compensated in the same manner, and to have the same powers, as juries of view for laying out or changing public roads have by existing law.

Section 28. The supervisors or commissioners of any adjacent townships, in the same county, in which any portion of a principal highway running into or through said townships may lie, may by resolution jointly petition the county commissioners of their county to make application to the State Highway Department for the co-operation of the State in repairing or rebuilding said highway, as herein provided.

Section 29. Advertisements for proposals for the reconstruction or improvement of highways under the provisions of this act shall be given by the county commissioners at least thirty days before the contracts may be awarded, by public notice in at least two newspapers of general circulation in the county in which the highway to be improved is located; such advertisements to designate where the plans and specifications may be had, and the time and place of the reception of bids and the letting of the contract.

Section 30. Ten per centum of the amount available for highway purposes, under the provisions of this act, shall be set aside for the purpose of making the cost of highways, as hereinbefore provided, and shall be apportioned by the State Highway Commissioner among the townships or counties applying for the same, in proportion to the mileage of improved highways made under the provisions of this act, or which have already been made or may hereafter be made, at the expense of such townships or counties, and which are of the standard prescribed by the State Highway Department for improved highways.

Section 31. Whenever the supervisors or commissioners of any township or county shall desire State aid for the purpose of maintenance of improved highways, whether State highways improved under the provisions of this act or otherwise, it shall be the duty of said supervisors or commissioners to file with the State Highway Department, on or before the first day of April in each year a sworn petition requesting State aid, and setting forth the number of miles of highways improved according to the standards of the State Highway Department in said township, and the cost of the same to said township, together with the condition of said improved highways and the annual cost of maintaining the same. The State Commissioner of Highways, in his judgment the conditions warrant the co-operation of the State in maintaining said highways, shall proportion to said townships its apportionment of the total amount available for the maintenance of improved highways, as hereinbefore provided, and the amount shall be paid to the supervisors or commissioners of said townships by warrant of the said State Highway Department; but in no case shall the amount thus given by the State for maintenance be more than one-half of the amount which, in the judgment and experience of the State Highway Commissioner, the annual cost of maintaining improved highways of the standard of construction prevailing in such township shall be, nor more than one-half the sworn, average cost of maintenance, as set forth in the petition of the supervisors or commissioners of the said townships.

Section 32. County commissioners or county engineers of the several counties of this State, and the officers of all cities, boroughs and townships in the State, who now have, or may hereafter have by law, authority over the public highways and bridges, shall, upon the written request of the State Highway Department, furnish said Department with any information relative to the mileage, cost of building, and maintenance, condition and character of the highways under their jurisdiction, and with any other useful information relating to the said highways.

Section 33. All highways improved under the provisions of this act shall require the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, cinder, oyster-shells, or other good materials, in such manner that the same of whatever material constructed, will, with reasonable repair thereto, at all seasons of the year, be firm, smooth and convenient for travel. The county commissioners shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the kind of a road to be built, shall be decided by the State Highway Commissioner. The State Highway Commissioner shall have the authority to select the kind of materials to be used in improving any road under the provisions of this act. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the probable cost of improved highways, as defined in this section.