

ment against the defaulting witness; whereupon the same proceedings shall be had as are used and allowed in like cases in the courts of record in this commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the party injured by such non attendance, shall also be entitled to the same remedies at law, against the person subpoenaed as are provided when a subpoena is issued from a court of record. Remedy for party injured by non attendance.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if the person subpoenaed shall attend, but refuse to testify, he shall be liable to the same proceedings on the part of the commissioners or persons authorised as aforesaid, as if he had appeared and refused to testify in a court of record. Witness refusing to testify, liable as in court.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

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No. 61.

AN ACT

Authorising compensation to Jacob S. Spang and David Sink, for damages done by certain state roads.

SECT. 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 on the written application of Jacob S. Spang, of the township of Oley, in the county of Berks, if the same shall be made within one year after the passage of this act, the judges of the court of quarter sessions of the said county, are hereby authorised and required to appoint six disinterested men to view and adjudge the amount of the damages, if any, sustained by the said Jacob S. Spang, in consequence of a state road leading from Orwigsburg, in Schuylkill county, to Stetler's tavern, in the county of Montgomery, passing through the county of Berks, having been laid out and carried through the land of the said Jacob S. Spang, situate in Pike township, in the county of Berks; and if the said viewers, or any five of them, after ten days notice thereof given to the commissioners of Berks county, shall view the said land, On J. S. Spang's application, court to appoint six viewers.

When they or any four agree on damages, to report to court for approval Commissioners to draw on treasurer for amount.

Advantages of road to be considered.

Oath of viewers.

To be filed.

Same proceedings authorised in the case of D. Sink.

and any four of them shall agree as to the amount of damages sustained, the said viewers so agreeing, shall make a report of their proceedings to the next court of quarter sessions of Berks county, and if the said court shall approve of the same, the commissioners of the said county shall draw their warrant on the treasurer of the same county, in favor of Jacob S. Spang, for the amount so awarded to him; but if the viewers shall neglect to perform the duties required of them, or if the said court shall disapprove of their report, they shall as often as the case may require, appoint other viewers, who shall proceed therein in manner aforesaid; and it shall be the duty of the said viewers, in assessing damages, to take into consideration the advantages derived by said Jacob S. Spang, from said road passing through his land; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation before some judge or justice of the peace, faithfully and impartially to perform the same, which oath or affirmation, so taken and subscribed, shall accompany their proceedings and be filed in the office of the clerk of the court of quarter sessions of Berks county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same proceedings as are authorised by the first section of this act, are hereby extended to and may be had by David Sink, of the township of Robison, in said county of Berks, for damages alleged to have been sustained by a certain state road opened through his land, leading from Waynesburg, in Chester county, to Birdsborough, in Berks county,

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 62.

## AN ACT

Enabling Eliza Gardiner to execute certain powers without the intervention of her present husband.

SECT. 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 Eliza Gardiner, now the wife of John Gardiner; late Eliza Hamilton, widow and executrix of Andrew Ham-