

No. 118.

An Act

Granting compensation to George Tripner for a tract of donation land.

SECTION 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 the State Treasurer is hereby authorized and required to pay to George Tripner of Philadelphia county, or order, two hundred dollars, in full compensation for a tract of donation land to which he is entitled for revolutionary services.

JAMES THOMPSON,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eleventh day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

No. 119.

An Act

Authorizing the laying out of a State road from Henry Pearson's mill, in Mercer county, to the Newcastle and Zellenople road, in Beaver county.

SECTION 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 William Cairns and James McClane of Beaver county, and John Fisher of Mercer county, be and they are hereby appointed commissioners to view, lay out and mark a State road, beginning at Henry Pearson's mill, in Mercer county, to intersect the Newcastle and Zellenople road, at or near the bridge over Big run, in Beaver county.

SECTION 2. It shall be the duty of the said commissioners or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure

Duties
enjoined on
them.

Commis'ners.

from a horizontal line shall in no point exceed six degrees, except at the crossing at ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit: and further it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may effect the route, so that by a judicious combination of them the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain-bearers and one axe-man at a per diem allowance not exceeding seventy-five cents.

Per diem allowance.

SECTION 3. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the court aforesaid.

Drafts, where to be deposit'd.

SECTION 4. The accounts of the said commissioners for their own pay and for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Pay of offic'rs by whom p'd.

SECTION 5. The said commissioners shall meet on or before the third Monday of May next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the

Meeting of commiss'ners

Vacancies, how filled.

case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

No. 120.

An Act

To authorize the opening of an alley in the city of Pittsburg from St. Clair street to Irwin street.

SECTION 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 the court of Common Pleas of Allegheny county on petition, shall appoint fifteen or more disinterested freeholders, who shall meet on at least five days notice, and if any twelve or more attend, they shall view the premises, and if any twelve of those attending, being first duly sworn or affirmed to perform the duties imposed on them by this act with fidelity, shall decide that the said alley is necessary for public use through the block of lots on Liberty and Penn streets, from St. Clair to Irwin streets, they shall proceed to lay out the same sixteen feet wide, and assess the damages done to any lots, taking into consideration the advantages accruing as well as the injury done, and shall charge the damages so done upon the lots or parts of lots so benefited, according to a fair estimate of the benefit conferred on each lot, and designating the person or persons to whom such damage is done and payable; and if a sufficient number do not meet to act, or if they cannot agree, the court may at any time appoint others; the said viewers shall make report to the said court, and if approved by the court, said report shall be entered of record, and the said alley shall thenceforth be deemed and taken to be a lawful public alley.

Court of C. P.
of Allegheny
co. to appoint
viewers.

Duties of
viewers.

Damages
assessed to
be a lien.

SECTION 2. The said damages so assessed shall to all intents and purposes be a lien against the lot or lots upon which they may respectively be assessed, and the same shall be recoverable by writ of *scire facias* in the name of the Commonwealth, for the use of the person in favor of whom such damages are assessed, as debts secured by mortgage are now by law recoverable.