

the borough of Elizabeth : *Provided*, Such extension be re-Road may be
quired by the citizens, and sufficient stock be subscribed extended.
for that purpose.

Proviso.

SECTION 5. That the president, managers and company
of the Somerset and Conemaugh turnpike road company,
may, and they are hereby authorized to increase the capital Somerset &
stock of said company so as to consist of sixteen hundred Conemaugh
shares, or more, if necessary, in order to raise funds to com- turnpike co.
plete said road, of twenty-five dollars per share : *Provided*,
That the additional stock shall be subscribed under and
subject to the same rules, regulations and restrictions pro- *Proviso*
vided in the first section of the act authorizing the Governor
to incorporate said company, passed the eighth day of April,
eighteen hundred and thirty-three.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS : RITNER.

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No. 96.

An Act

Declaring the streets in the town of Mifflinburg, in Columbia
county, public highways, and relating to Duquesne way, Pittsburg,
Gas works, and for other purposes.

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 from and after the passage of
this act, the streets in the town of Mifflinburg, in the county
of Columbia, shall and are hereby declared to be public *Streets to be*
highways, and as such shall be opened and improved as *highways.*
other highways of this commonwealth are opened and
improved : *Provided*, That nothing in this section be so
construed as to interfere with private property.

Proviso.

Duquesne way to be located, &c.

Proviso.

SECTION 2. That the select and common councils of the city of Pittsburg be, and they are hereby authorized and required, on application made to them by the petition, in writing, of one or more owners of lots, lying northwardly and westwardly of Penn street, and the eastern boundary of the said city, to define, locate and cause to be opened a public street, to be designated and known by the name of Duquesne way, which shall be of at least forty feet in width, and shall extend, running parallel with Penn street, from the said eastern boundary until it shall intersect Water street, continued on such courses, and for such distance as the said councils shall determine and direct; (authority being hereby granted to continue and open the same;) and the distance between the said Penn street, and the said Duquesne way, measured on any line perpendicular to both, shall not be less than four hundred and twenty feet, nor graded more than four feet below the grade of Penn street: *Provided nevertheless*, That before the said way shall be opened, the provisions hereinafter contained for the assessment of damages, and compensation to the owners of lots, shall have first been complied with.

Public landing.

Tolls or wharfage.

SECTION 3. After the said way shall have been located and opened, according to the provisions of this act, the councils of the city of Pittsburg aforesaid be, and they are hereby authorized to fix and adopt a convenient grade for the space lying northwardly from the line of the said way, and to occupy, fill up, and improve the same, according to the grade adopted; and the space so graded and lying between the said way and low water mark of the Allegheny river, shall forever thereafter be occupied, used, and employed as a public landing, and the said councils shall have full power to make such rules, regulations and by-laws, regulating the use of the said public landing, as they may think proper, and shall not be inconsistent with the existing laws of this commonwealth, to direct and enforce the collection of such fees, tolls, and duties in the nature of wharfage, as they may deem just and expedient, and to exercise in every respect, over the said public street and public landing, when the same shall be opened, the same powers and authority which they may or can exercise by law over the other public streets and landings within the said city.

Two plans of the way, &c.

SECTION 4. When the said city councils shall have located, and defined by its limits, the said way, according to the provisions of the first section of this act, they shall direct two plans thereof to be made by the city regulator, shewing accurately the location and limits of the said way, together with those of the streets and lots adjacent thereto, the names of the owner being marked thereon, one of which plans shall be kept in the office of the said city regulator, and the other

shall be filed in the office of the clerk of the court of Quarter Sessions of the county of Allegheny, the said plans to be opened at all reasonable times, for the inspection of all persons wishing to examine the same; and the said councils shall cause public notice to be given, in two newspapers published in the said city, for at least two weeks previous to a regular setting of the court of Quarter Sessions in the said county, of the location and intended opening of the said way, and of the places where plans thereof are deposited for inspection; and any person or persons owning lots to which the said way is adjacent, and who shall consider that his, her, or their lot or lots, are or shall be damaged by the said location, may make application, by petition, to the next court of Quarter Sessions following the publication of the said notice, who shall thereupon appoint twelve discreet and disinterested persons, who, being first sworn or affirmed, shall proceed to inquire, on actual view of the premises, whether any, and what damages may or shall be sustained by the persons petitioning, by reason of the opening of the said way; and the said viewers, or a majority of them, shall make a report to the next court of Quarter Sessions of their appraisalment of the damage sustained, if any, and of their apportionment of the same among the said owners, which report shall be filed in the said court, and entered at large in the dockets thereof, and shall forever thereafter bind and conclude all persons owning lots adjacent to or affected by the opening of the said way; and the said city councils, so soon as the damages, if applied for and assessed in the manner aforesaid, shall have been paid, under their direction, out of the city treasury, to the persons entitled to receive the same, may immediately thereafter direct the opening of the said way and landing, through the whole distance herein before authorized, or through the square or squares in which the said damages have been paid or unclaimed, within the time aforesaid, in the manner and for the purposes hereinbefore specified, and all lots which, previous to the opening of the said way were bounded by the Allegheny river, shall forever thereafter be bounded by and front on the way herein authorized to be opened.

Notice of location.

Viewers of damages appointed.

Payment of damages.

Boundary of certain lots.

SECTION 5. That the trustees of the Pittsburg Gas works be, and they are hereby authorized to lay the necessary pipes from the works to the city lines: *Provided*, The same do not pass through private property: *And provided*, The like precautions be taken in opening and closing up the highway, as are or may be enjoined in reference to opening and closing up the streets of said city.

Pittsburg Gas works.

Provide.

SECTION 6. For the violation of any ordinance of the city of Pittsburg, passed for the protection of said property from injury, the party offending, if the offence be committed, shall be liable to indictment.

Injury to property indictable.

without the city limits, may be punished by indictment in the court of Quarter Sessions of Allegheny county.

SECTION 7. The select and common councils of the city of Pittsburg be, and they are hereby fully authorized and empowered to lay out, open, extend and widen such street or streets, as they may deem necessary to communicate between the public streets of said city and the Pittsburg Gas works, and such street or streets, from the time the same may be declared and ordered by said councils to be opened, extended or widened, shall forever after be deemed, adjudged and taken as public highways, and subject to the same regulation and police as other streets or highways of said city: *Provided nevertheless*, That the owner or owners of ground through which any such street shall be opened, extended, or widened, may proceed in the same manner to obtain indemnification for any injury he or they may sustain thereby, as is directed by the several acts in force, and providing for the opening of public roads in this commonwealth.

Streets to be highways.

Previso.

Supervisors of roads in Newberry township, York co.

SECTION 8. That the citizens of the township of Newbury qualified to vote for members of the general assembly, shall, at the same time and place that the constables of said township are elected, elect by ballot, three qualified citizens aforesaid, who shall be the supervisors of roads or highways of said township, of whom the highest in vote shall serve three years, the next highest two years, and the next highest one year, and their place respectively be supplied by the annual election of another citizen, qualified as aforesaid, to serve for three years; and if at any time no such election should be held under the provisions of this act, or if any of said supervisors should die, remove from the township, or decline to serve in said office, it shall be the duty of the court of Quarter Sessions to supply such deficiency, and to fill the said office until the next general election.

Oath of supervisors.

SECTION 9. Every supervisor elected or appointed as aforesaid, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace of said township of Newbury, diligently and impartially to perform the several duties enjoined on him by this act, to the best of his judgment and ability, without favor or affection, hatred, malice or ill will, which oath or affirmation, the officer before whom the same is taken and subscribed, shall certify under his hand and seal, and deliver the same to the clerk of the court of Quarter Sessions of the county of York, to be filed in his office, and the justice shall for his service, receive twelve cents and a half.

Supervisors to meet and levy a tax.

SECTION 10. The supervisors shall meet at the place of holding the election, within ten days after their election, and then and there levy and lay the tax authorized by this act, and their duplicate shall be examined and approved by two justices of the peace of said township, (who shall each receive

twenty-five cents as fee for the same,) and at the same time and place, they shall choose one of their number for a collector and treasurer of said tax, authorized by this act, who shall enter into a bond, with security, to his successor in office, for the faithful performance of the same, who shall receive five cents on each dollar collected, (as collector,) and two cents on each dollar paid out of the treasury, who shall hold his office for one year, and at the expiration of said term, shall hand over to his successor in office all monies, papers and books, appertaining or in any wise belonging to said office. and within ten days after said election, yearly, the said supervisors (elect) shall meet as aforesaid, and choose one of their number as a collector and treasurer. Collector.

SECTION 11. Each and every person holding real estate in the township of Newberry, through which or adjoining the same a public road or highway passeth, shall keep in good repair such public road, which will exonerate such persons from road tax, and if a public road be a line between two or more persons, they shall divide the same among them; but if they cannot agree so to divide the same, then the supervisors shall meet and divide the same, which shall be final. Owners of real estate may keep the roads in repair.

SECTION 12. There shall be five days notice given to each person having roads to mend by authority of this act, before they can be indicted, and if they neglect to perform the duty enjoined upon them after such notice, they shall be subject to a fine, not less than four dollars, or more than ten dollars, for every such neglect, to be collected, as other debts are now by law collected; the fines thus collected shall be paid into the hands of the treasurer. Notice to mend the roads. Penalty.

SECTION 13. All persons holding real estate having no public road passing through or adjoining the same, as well as those holding no real estate, shall be subject to a tax of two mills on the dollar upon all property, professions, and occupations, now subject to county rates and levies. Rate of tax.

SECTION 14. The petition or petitioners of all new roads or highways within the township of Newberry, after the passing of this act, shall defray the expense of laying out and opening the same. Expense of laying out new roads.

SECTION 15. All monies arising by authority of this act, shall be appropriated in building and repairing bridges, and making and putting up index boards; also, in mending public roads through unscated lands, owned by persons not residing in the township, the supervisors having power to collect the amount from the owners of the same, and no money shall be drawn from or out of the treasury, but by an order, signed by the two supervisors, and countersigned by a justice of the peace of said township. Bridges. Index boards.

Bridges.

SECTION 16. Whenever it is thought necessary and expedient, either by the supervisors or the inhabitants of said township, that a bridge ought to be built, the supervisors shall call a meeting of the taxable inhabitants of the township, to be held at the same place that the general election is now held, by giving ten days notice of said meeting, by at least six handbills, put up in the most public places in the township, signed by at least two of the supervisors; the citizens there assembled shall decide whether a bridge shall be built or not.

Pay of supervisors.

SECTION 17. The supervisors shall have oversight of all the public roads or highways within the township, and settle all disputes arising between landholders, growing out of this act, and for all and singular, the duties enjoined on them by authority of this act; shall receive fifty cents per day, not otherwise provided for.

Hopewell,
Lower
Chaucesford
and Spring-
field.

SECTION 18. The laws now in force for laying out and keeping in repair the roads in the township of Hopewell, in the county of York, be and they are hereby extended to the townships of Lower Chaucesford and Springfield, in said county.

Peachbottom

SECTION 19. That from and after the passage of this act, the supervisors of roads in the township of Peach Bottom, and county of York, that now are or may hereafter be elected, shall hold their offices for three years.

How roads
are to be re-
paired.

SECTION 20. The supervisors of said township shall, within one month after their election, (under the penalty of two dollars per day for every day they may neglect to perform the duties hereinafter required,) proceed to lay out the public roads in said township into small sections, the repair of which shall correspond, as near as can be ascertained, to the amount of road tax which may be assessed on said township, and such sections shall be so laid off, that each taxable inhabitant shall have his portion of roads to keep in repair, as near his residence as the nature of the case will admit of, and within ten days after such roads shall have been laid off, in the manner aforesaid, the supervisors shall notify the taxable inhabitants of said township of such apportionment, by public notice, or individually, each section being designated by intelligible numbered marks on said roads.

Repairs to be
commenced
on ten days
notice.

SECTION 21. The taxable inhabitants each, on receiving such notice, shall within ten days thereafter, proceed to put his or their part of said roads in good repair, and shall keep the same in good condition for the term of three years.

SECTION 22. Should any of the taxable inhabitants of said township refuse to accept their share of said roads, as laid off by the supervisors, as aforesaid, or neglect to keep their portion in good repair, when notified thereof, by the supervisors, or any one of them, it shall then be the duty of said supervisors to have such portion repaired, at the cost and

charges of the person or persons so refusing or neglecting to keep in repair his portion of said roads, and the amount of said repairs shall be recoverable as other debts of equal amount are by law recoverable, with costs of suit, and the supervisor who shall be plaintiff in the case, shall recover seventy-five cents per day for each day he may have to attend on such suits. In case of neglect, supervisors to repair at the cost of the persons neglecting.

SECTION 23. It shall be the duty of the supervisors to levy, and collect as heretofore, a sufficient tax for the purpose of opening new roads, and other incidental expenses, and shall procure a book, and shall therein have each person's name entered against their section or sections of roads, the boundary of which section shall be carefully noted, which entries shall be binding on the present taxables of said townships, their heirs, executors or administrators, for the above term of three years; and said book shall be deposited with the township clerk, and be open to the inspection and examination of all persons interested in said township. Tax to be levied.

SECTION 24. All fines or forfeitures which are made by this act recoverable against the supervisors of said township, shall be sued for and collected before a justice of the peace, upon the complaint of three taxable inhabitants of said township, to one of the auditors, who shall act as plaintiff in the case, and said auditor shall receive seventy-five cents per day for every day necessarily spent in conducting such suit or suits, and all monies so collected, shall be paid to the acting supervisors of said townships, by them to be applied in contingent expenses, to be accounted for and audited as other township accounts. Fines and forfeitures. Township auditors.

SECTION 25. The supervisors elected, or to be elected according to the provisions of this act, shall receive one dollar per day for each day necessarily employed in the performance of their duty, except as is provided for in the fourth section of this act. Supervisors' pay.

SECTION 26. Any law altered or amended by this act, is hereby repealed, as far as regards the said township of Peachbottom, and every supervisor elected under the provisions of this act, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace in the said township of Peachbottom, diligently and impartially to perform the several duties enjoined on him by this act, to the best of his judgment and ability, without favour or affection, hatred, malice or ill-will, which oath or affirmation the officer before whom the same is taken and subscribed, shall certify under his hand and seal, and deliver the same to the clerk of the court of Quarter Sessions of the county of York, to be filed in his office, for which service the said justice shall receive twelve and a half cents. Repeal. Supervisors' oath. To be filed.

V. Schoch & Wm. Harvy authorized to sell a lot of ground in Mechanicsburg, Cumberland co.

SECTION 27. That Martin Keller, Valentine Schoch, and William Harvy, are appointed commissioners, who are authorized and empowered, upon reasonable notice given, to sell and convey a certain lot of ground, and house thereon erected, situated in or near the borough of Mechanicsburg, in the county of Cumberland, and known by the name of the Union school-house property, which said lot John Goosewiler, by his last will and testament, bequeathed to the town of Mechanicsburg, for school purposes: *Provided*, That said commissioners, before making such sale, shall give a bond, with sufficient security, to the president and town council of the borough of Mechanicsburg, for the faithful appropriation, as herein after directed, of the money arising from such sale.

SECTION 28. It shall be the duty of the said commissioners, as soon as said sale shall have been made, to apply the money arising therefrom to the erection of a commodious building for a school-house, within the said borough, for the use of the inhabitants of the same, and within twelve months after such sale shall have been made, to render to the president and council of said borough, a full and correct statement of the receipts and expenditures of the monies arising from the sale of said property.

SECTION 29. That John Taylor and John K. Swisher, administrators of the estate of Ephraim Phillips, late of North Beaver township, in the county of Beaver, deceased, be and they are hereby authorized to execute a deed in trust, to the school directors of North Beaver township, in the county aforesaid, for a certain lot of ground, situated in the said township, adjoining a lot of ground owned by the congregation of Westfield, to be laid off in the manner designated by the deceased in his lifetime, which deed, when so executed, shall be held good and available in law, as vesting the right thereto in the said school directors and their successors, for general school purposes, as if the same had been executed by the said Ephraim Phillips in his lifetime.

SECTION 30. That a street may be and is hereby authorized to be opened from Wolf-lane, through Market-street, in the borough of Bridgewater, to the bridge over Brady's run, in the borough of Fallston, Beaver county, in the same manner, and with the same powers and restrictions, as is provided for opening and continuing of Perry-street in the borough of Birmingham, Allegheny county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty six.

JOS. RITNER.