

cases herein before specially provided for,) whose decision in all such cases shall be final and conclusive.

SECTION 45. The word "district" in this act, shall be construed and taken to mean "township" and "borough," and every other territorial or municipal division, in and for which officers charged with the relief and support of the poor are directed or authorized by law to be chosen, but nothing in this act contained, shall be taken to repeal or otherwise interfere with any special provision made by law for any city, county, township, borough, or other territorial or municipal divisions.

SECTION 46. It is hereby declared to be the meaning of the third section of the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Washington," approved the sixth day of April, Anno Domini, one thousand eight hundred and thirty, that the directors of said institution have power to bind out as apprentices such poor children as may come under their notice, according to the directions of said act, without the approbation and consent of two or more magistrates.

SECTION 47. That all laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 169.

An Act

Relating to roads, highways and bridges.

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An act relating to roads, highways and bridges.

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 Quarter Sessions of every county of the commonwealth, on being petitioned to grant a view for a road within the respective county, shall have power and are hereby required in open court, to appoint as often as may be needful, six persons qualified as hereinafter is provided, to view the ground proposed for such road, and make report of their proceedings to the respective court at the next term thereof: Provided, That the provisions of this act relative to the appointment of viewers to lay out roads and to assess damages, shall not extend to the city and county of Philadelphia, hereinafter specially provided for.*

SECTION 2. The persons appointed as aforesaid, shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners.

SECTION 3. The viewers as aforesaid, shall make report at the next term of the said court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass, and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, except at the crossing of ravines and streams, where by

moderate filling and bridging, the declination of the road may be preserved within that limit.

SECTION 4. If the court shall approve of the report of the viewers allowing a road, they shall direct of what breadth the road so approved shall be opened, and at the next court thereafter, the whole proceedings shall be entered on record, and thenceforth such road shall be taken, deemed and allowed to be a lawful public road or highway, or private road, as the case may be.

SECTION 5. The breadth of a public road laid out as aforesaid, shall not exceed fifty feet, and the breadth of a private road shall not in any case exceed twenty-five feet.

SECTION 6. Public roads or highways laid out, approved and entered on record as aforesaid, shall, as soon as may be practicable, be effectually opened and constantly kept in repair, and all public roads or highways made or to be made, shall at all seasons be kept clear of all impediments to easy and convenient passing and traveling; at the expense of the respective townships, as the law shall direct.

SECTION 7. The owner of any land through which a public road shall be opened as aforesaid, may within one year from the opening of the same, apply by petition, to the court of Quarter Sessions of the proper county, setting forth the injury which he or she may have sustained thereby, and thereupon, the said court shall appoint six disinterested persons to view the premises and assess the damages, if any, which such petitioner may have sustained.

SECTION 8. The viewers so appointed, shall make report in writing to the next court of Quarter Sessions, and if their report be approved by the court, the amount of damages awarded shall be paid by the county treasurer out of the county stock, to the party entitled thereto.

SECTION 9. *Provided*, That in assessing the damages aforesaid, the viewers shall take into consideration the advantages derived from such road passing through the land of the complainant.

SECTION 10. Public roads or highways which have been or shall be laid out on a line which divides two townships, shall be opened, made, kept clear and in repair at the joint and equal charge of such townships, and if either township shall in any such case necessarily incur more than its due proportion of such charge, it shall be lawful for such township to recover from the other township the excess so incurred, in an action to be founded on this act.

SECTION 11. The several courts of Quarter Sessions shall, in open court as aforesaid, upon the petition of one or more persons for a road from their respective dwellings or plantations, to a highway or place of necessary public resort, or to any private way leading to a highway, direct a view to be

had of the place where such road is requested, and a report thereof to be made, in the same manner as is before directed in this act.

SECTION 12. If it shall appear by the report of viewers to the court directing the view, that such road is necessary, the said court shall direct what breadth the road so reported shall be opened, and the proceedings in such cases shall be entered on record, as before directed, and thenceforth such road shall be deemed and taken to be a lawful private road.

SECTION 13. In all cases of a private road, it shall be lawful for the owners of the land over which the same may be laid out or authorized, to apply to the court aforesaid for leave to hang and maintain at their own expense, swinging gates across such road, and thereupon the court shall direct the viewers appointed to view such road, or in case the road has been already laid out, may appoint other viewers in manner aforesaid, to inquire and report whether the same may be done without much inconvenience to the persons using such road.

SECTION 14. If it shall appear to the court that a gate or gates may be hung as aforesaid, according to the prayer of the party, without much inconvenience to the person or persons using such road, they shall decree accordingly, and in such decree they shall order and direct that such gate or gates be made and kept in repair, and made easy for passing, by the respective owners of said land.

SECTION 15. All private roads shall be opened, fenced and kept in repair by and at the expense of the person or persons respectively at whose request the same were granted and laid out, and by their heirs and assigns.

SECTION 16. The damages sustained by the owners of the land through which any private road may pass, shall be estimated in the manner provided in the case of a public road, and shall be paid by the persons at whose request the road was granted or laid out: *Provided*, That no such road shall be opened before the damages shall be fully paid.

SECTION 17. Whenever any person shall be desirous to make use of a private road laid out on the petition and at the expense of others, such person may apply by petition to the court of Quarter Sessions of the respective county, to be admitted to participate in the privilege of the said road, and thereupon such court shall have power to determine what sum he shall contribute to the persons at whose expense the said road was laid out, and also what further sum he shall pay to the owners of the soil over which the said road was made, and upon the payment thereof, such person shall be entitled to equal rights and privileges, and be subject to like duties and liabilities with the original applicants for said road.

SECTION 18. The courts aforesaid shall, within their respective counties, have authority, upon application to them by petition, to inquire of and to change or vacate the whole or any part of any private or public road which may have been laid out by authority of law, whenever the same shall become useless, inconvenient or burthensome, and the said courts shall proceed therein by views and reviews, in the manner provided for the laying out of public roads and highways.

SECTION 19. Roads laid out and confirmed as aforesaid, but not opened, may be vacated and annulled upon the petition of a majority of the original petitioners for the said road, resident within the respective county, in the same manner as other roads may be vacated: *Provided*, That no person residing or owning land along the route of such road, shall in such case be a viewer or reviewer.

SECTION 20. The said courts respectively, shall also have power in the manner aforesaid, to change, or supply by a new road, the route of any state road which may be laid out by direction of any act of assembly, within their respective counties, and thereupon to vacate so much of such state road as shall be supplied: *Provided*, That no change shall be allowed in any such road, which shall make the same of a greater ascent or descent than five degrees from a horizontal line.

SECTION 21. The said courts respectively, shall also have power in the manner aforesaid, to inquire of and vacate any part of a state road within the respective county, which shall have been supplied and rendered useless by a substantial and permanent turnpike road, made and completed according to law; but no stockholder in such turnpike road shall in such case be a viewer or reviewer.

SECTION 22. *Provided*, That nothing in this act shall be construed to give authority to any of the courts of the commonwealth to vacate any lane, street or highway within any city, borough, town plot, or any town or village laid out by the late proprietaries, or by any other person, and dedicated to the public use; nor to vacate any cartway laid out by the order of court, and not repairable at the charge of the public, nor shall such authority extend to any road, way or passage claimed by any person as a private right, nor to rivers or streams of water.

SECTION 23. Every application to vacate any road as aforesaid, shall be in writing, and signed by the applicants; it shall set forth in a clear and distinct manner, the situation and other circumstances of such road or highway, or of the part thereof which the applicants may desire to have vacated as aforesaid.

SECTION 24. Whenever the whole or any part of a road shall be changed or supplied, the same shall not be shut up

or stopped until the road laid out to supply the place thereof shall be actually opened and made.

SECTION 25. In all cases of views for any purpose mentioned in this act, the respective court shall, on petition of any person interested, direct a second view or review for the same purpose: *Provided*, That application therefor be made at or before the next term of the said court, after the report upon the first view.

SECTION 26. Roads upon and along a line which divides two adjoining counties, may be laid out, altered and vacated in the manner provided in the case of other roads, except that the court of Quarter Sessions of each of the said counties shall appoint three of the viewers, and that a report as aforesaid, shall be made to the said courts respectively, and that the said courts shall otherwise have and exercise concurrent jurisdiction therein.

SECTION 27. The supervisors aforesaid shall have power, and they are hereby enjoined and required, at the expense of the respective townships, to purchase wood, timber, and all other materials necessary for the purpose of making, maintaining and repairing the public roads or highways, and to employ, oversee, and direct a sufficient number of labourers to execute promptly and effectually the provisions of the law, and the orders and decrees of the courts having jurisdiction, concerning such roads.

SECTION 28. The supervisors aforesaid, shall severally have full power and authority within their respective townships, to enter upon any land or enclosure lying near to the said roads, and to dig, gather and carry upon said roads any stones, sand or gravel found on the same, which they may think necessary for the purpose of making, maintaining or repairing the said roads, when the same cannot be conveniently obtained by contract at reasonable prices, doing no unnecessary damage to the owners of the said lands, and repairing any breaches of fences which they shall make.

SECTION 29. Whenever the supervisors and the owners of any materials which may be wanted for making, maintaining or repairing the roads aforesaid, cannot agree upon the price to be paid therefor, the value of such materials shall be estimated by any two of such three persons as may be agreed upon by such supervisors and owners.

SECTION 30. If the supervisors and owners cannot agree upon any persons to estimate the value thereof, the owner may apply to a justice of the peace residing near the place where such materials were taken, or may be, and thereupon such justice shall appoint three judicious persons, one on the nomination of the supervisors, one other on the nomination of the owner of such materials, and the third upon his own suggestion, and the decision of the persons so appointed, or any two of them, shall be entered upon the docket of

such justice, and shall be final: *Provided*, That if either party shall after due notice, refuse or neglect to nominate as aforesaid, it shall be the duty of the justice to appoint one other person in his stead.

SECTION 31. It shall be the duty of the supervisors aforesaid, in making and repairing the public roads, to make and maintain within their respective townships, sufficient causeways, of stone or timber, on marshy or swampy grounds, and also to make and maintain sufficient bridges over all small creeks and rivulets, and deep gullies, where the same shall be necessary for the ease and safety of travellers.

SECTION 32. The supervisors aforesaid shall also have power and authority as aforesaid, to enter upon any such lands or enclosures, and cut, open, maintain and repair all such drains or ditches through the same, as they shall judge necessary to carry the water from the said roads.

SECTION 33. In cases where any public road has been or shall be laid on the line of two townships, if the supervisors of either of the said townships shall neglect or refuse to join with the supervisors of the other township in opening or repairing such road, the supervisors of the other township are hereby directed and required to open, amend and repair the said road, and the supervisors so neglecting or refusing, shall be liable to the same penalties as if they had neglected or refused to open or repair any public road situate wholly within their respective township.

SECTION 34. Where a small creek over which a bridge may be necessary, shall be on the boundary or on the division line of townships, the bridge shall be built and maintained at the joint and equal expense of the said townships, by their respective supervisors, in the manner directed by law in the case of public roads, which may be the division line of townships.

SECTION 35. When a river, creek or rivulet over which it may be necessary to erect a bridge crosses a public road or highway, and the erecting of such bridge requires more expense than it is reasonable that one or two adjoining townships should bear, the court having jurisdiction as aforesaid, shall, on the representation of the supervisors, or on the petition of any of the inhabitants of the respective townships, order a view, in the manner provided for in the case of roads, and if on the report of viewers, it shall appear to the court, grand jury, and commissioners of the county, that such bridge is necessary, and would be too expensive for such township or townships, it shall be entered on record as a county bridge.

SECTION 36. Whenever a bridge shall be authorized and recorded as a county bridge, it shall be the duty of the commissioners to procure an estimate of the cost thereof, and provide in the county levies, the monies necessary to defray

the same, and proceed to have such bridge erected by contract, or otherwise, as shall seem to them expedient.

SECTION 37. Viewers of the site of a bridge appointed as aforesaid, shall have authority by virtue of their appointment, to report also whether any change in the course or bed of the road to be connected therewith, will be necessary, in order to the erection of such bridge at the most suitable place, or at the least expense, or in the best manner, and the same being approved by a majority of the commissioners of the county, and also by the court, such road shall be altered accordingly.

SECTION 38. *Provided nevertheless*, That the viewers shall cause every such variation to be accurately surveyed, and a plot thereof to be made and returned with their report.

SECTION 39. Every bridge erected by the commissioners of any county, or under contract with them, shall be inspected by six fit persons, to be appointed by the court of Quarter Sessions of the respective county, and report thereof shall be made by them to the said court.

SECTION 40. If any such bridge shall be approved by the court, and the same shall have been erected under contract with the commissioners as aforesaid, the money shall be paid agreeably to such contract.

SECTION 41. If the persons appointed to inspect any bridge erected by contract as aforesaid, shall not approve of the same, they shall report to the court, what sum, in their judgment, ought to be deducted from the sum stipulated in such contract, and thereupon, the court shall grant a rule upon the builder or contractor, to shew cause against the said report, at a time and place in such rule to be named.

SECTION 42. After the service and return of such rule, it shall be lawful for the builder or contractor, to file a declaration or statement in the court of Common Pleas of the respective county, upon the contract made by him with the commissioners aforesaid, and thereupon proceed to trial, in due course, in like manner as if an action had been commenced by him upon such contract, against the county, or, at his election, he may shew cause against the said report, and thereupon, the court shall determine the matter as justice and equity shall require.

SECTION 43. When any such bridge shall have been erected by the commissioners of the county, or under their superintendence, if the same shall not be approved by the persons appointed, as aforesaid, to inspect the same, they shall report in what respect such bridge is deficient, and whether or not the same has occurred through the default, neglect or official misconduct of the said commissioners, or any of them, and what in their judgment is the value of such bridge, and

thereupon, the court shall in like manner, grant a rule upon the commissioners to shew cause against such report.

SECTION 44. After the service and return of such rule, it shall be lawful for the commissioners to have an issue directed, upon the said report, in the matters aforesaid, to the court of Common Pleas of the respective county, to be tried by a jury, or, at their election, they may shew cause against the same, and thereupon, the court shall determine the matter in a summary way.

SECTION 45. If it shall appear upon the trial of such issue, or upon investigation by the court as aforesaid, that such bridge is insufficient, or that it has been erected at an expense greater than its value, through the neglect or official misconduct of any one or more of the said commissioners, it shall be lawful for the county to recover, against such delinquent commissioner or commissioners, the damages sustained by reason of the default of them or either of them as aforesaid, respectively.

SECTION 46. Bridges over any river, creek or rivulet, being on the line of adjoining counties, shall be authorized in the manner provided in the case of other county bridges, except that the court of Quarter Sessions of each county shall appoint three of the viewers, and that a report as aforesaid, be made to the said courts respectively, and that the said courts shall, together with the grand juries and commissioners of the respective counties, in all other respects, have and exercise a concurrent jurisdiction and discretion therein.

SECTION 47. Every such bridge shall be constructed by contract with the commissioners of both the said counties; it shall be inspected in the manner aforesaid, by persons appointed by the court of Quarter Sessions of either of the said counties; it shall be maintained and kept in repair by said commissioners, at the joint and equal charge of both counties, and if either county shall necessarily incur more than its due proportion of such charge, it shall be lawful for such county to recover from the other county, the excess so incurred, in an action to be founded on this act.

SECTION 48. It shall be lawful for the undertaker of any public bridge, to enter upon the lands and enclosures near to the place where such bridge is to be built, for the purpose of searching for and procuring the materials necessary for the building of such bridge, in like manner, and with like authority as is hereinbefore provided in behalf of the supervisors of the public roads in the like case.

SECTION 49. If the undertaker of such bridge and the owner of such materials, cannot agree upon the sum to be paid for the damages which may be done by the taking of such materials, such damages shall be ascertained in the manner provided in the case of materials taken by the supervisors of the public roads.

SECTION 50. *Provided nevertheless*, That the damages shall be ascertained and paid, or secured to be paid, to the satisfaction of the owner of such materials, before the same may be dug, quarried, or removed by such undertaker.

SECTION 51. Any discreet and reputable citizen qualified to vote for members of the legislature, may be appointed a viewer for any of the purposes mentioned in this act, but except it be otherwise especially provided, the court appointing viewers, shall select them as far as practicable, from persons residing near the place to be viewed.

SECTION 52. No view which may be had for any of the purposes aforesaid, shall be good and valid, unless five of the persons appointed for the purpose, shall view the place in question, nor unless four of the actual viewers concur in the report.

SECTION 53. All viewers and reviewers appointed for any purpose mentioned in this act, also all persons appointed to inspect any bridge as aforesaid, shall, before they proceed to the duties of their appointment respectively, make oath or affirmation to perform the same impartially, and according to the best of their judgment, which oath or affirmation may be administered to them by any magistrate of the respective county, or by any one of their number.

SECTION 54. The expense of views of private roads, and the expense of any review, or of any view subsequent to a review of a private or public road, shall be wholly paid by the persons applying for the same.

SECTION 55. The expense of of a view to assess the damages sustained by the owner of land taken as aforesaid for a public road, shall be paid by the respective county, and the expense of such view in the case of a private road, shall be paid by the person or persons at whose instance the same was allowed.

SECTION 56. The expense of the inspection or view of a county bridge as aforesaid, shall be paid by the respective county, but if such bridge shall not be approved, the said expense shall be recoverable by such county, as damages against the delinquent commissioner or contractor.

SECTION 57. In case of a separate view directed upon an application for leave to hang and maintain gates across a private road, as aforesaid, the expense of such view shall be paid by the applicants.

SECTION 58. In all cases of a view or review, or of any view subsequent to a review of a road, a surveyor shall be found and paid by the persons applying for such views.

SECTION 59. Viewers of public roads or highways, and of bridges, shall be entitled each to receive from the county treasurer one dollar for every day necessarily employed in that service, on producing a certificate from the clerk of the

court of Quarter Sessions of the respective county, that such service has been performed by them.

SECTION 60. Reviewers and viewers, upon a third or any subsequent view, shall be entitled each to receive the like compensation from the persons at whose instance they were appointed, for every day by them necessarily employed in that service.

SECTION 61. The supervisors aforesaid, shall cause posts to be erected at the intersection of all public roads within their respective townships, (where trees are not convenient,) with boards firmly fixed thereon, and index hands pointing to the direction of such roads, on which boards shall be inscribed in large and legible characters, the name of the town, village, or place to which such roads may lead, and the distance thereto, computed in miles.

SECTION 62. If any supervisor shall, after ten days personal notice, neglect or refuse to put up, or keep in complete repair, index boards as aforesaid, such supervisor shall, for every such offence, forfeit and pay a sum not exceeding ten dollars.

SECTION 63. The supervisors aforesaid, shall, within their respective townships, put up and maintain in a conspicuous place, at or near each end of all bridges erected at the expense of the public, having an arch of the length or span of forty-five feet or upwards, a notice, in large and legible characters, of the fines and penalties hereinafter provided, for the protection of such bridges, under the penalty of a sum not exceeding twenty dollars.

SECTION 64. *Provided*, That if any such bridge be built across the line of townships, the supervisors of the said townships shall be liable as aforesaid, to put up and maintain such notices only at or near the end of the bridge within their respective townships.

SECTION 65. If any person working upon any road or highway, or if any one in company with such person, shall ask money or reward, or by any means whatever, shall extort, or endeavor to extort, any money, drink, or other thing, of or from any person traveling upon or near such road or highway, the person so offending shall, for every such offence, forfeit and pay a sum not exceeding five dollars.

SECTION 66. If any supervisor shall connive at any person so asking, demanding or contriving to extort money, drink or any other thing, from any person traveling as aforesaid, such supervisor shall, for every such offence, forfeit and pay a sum not exceeding ten dollars.

SECTION 67. If any person shall stop, fill up or injure any drain or ditch, made by any supervisor for the purpose of draining the water from any public road or highway, or shall divert or change the course thereof, without the authority of

the supervisors for the time being, such person shall, for every such offence, forfeit and pay a sum not less than four dollars, nor more than twenty dollars.

SECTION 68. If any person shall stop or obstruct any public road or highway, or shall commit any nuisance thereon, by felling trees, making fences, turning the road, or in any other way, and do not on notice given by the supervisor of the respective township, forthwith remove the nuisance and repair the damage done to such road, such person shall, for every such offence, forfeit and pay a sum not less than ten dollars, nor more than forty dollars: *Provided*, That nothing in this section shall be deemed to debar an indictment for any such nuisance, as in case of misdemeanour at common law.

SECTION 69. If any person shall wilfully destroy, deface or injure any guide post or index board erected at or near any public road, or any notice put up at any public bridge as aforesaid, such person shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than fifteen dollars.

SECTION 70. If any person shall wilfully ride, drive or lead, or cause another person to ride, drive or lead, any horse or other beast of burden, faster than a walk, when crossing any wooden bridge having an arch of the length or span of forty-five feet or upwards, such persons shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than thirty dollars: *Provided nevertheless*, That notice of the provisions of this section be set up in the manner hereinbefore required.

SECTION 71. And if any person shall wilfully drive, or cause to be driven, any horned cattle, faster than a walk, when crossing any such bridge, such person shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than thirty dollars: *Provided nevertheless*, That notice hereof be set up in the manner hereinbefore required.

SECTION 72. If any person shall carry fire over such bridge, except in a lantern, or in some vessel in which it will be fully secured, such person shall forfeit and pay the sum of five dollars: *Provided nevertheless*, That notice of the provisions of this section be set up in the manner hereinbefore required.

SECTION 73. *Provided also*, That nothing in this act shall be so construed as to impair, in anywise, any right or privilege, which any company, incorporated by any act of assembly of the commonwealth, may have to make regulations for the preservation of any bridge erected by such company, or which may be under their care.

SECTION 74. If any person shall wilfully set fire to any wooden bridge within this commonwealth, with intent to destroy the same, or shall be accessory thereto before the

fact, such person shall for every such offence, be liable to indictment, and to the punishment provided by law in cases of arson, and also shall forfeit and pay a sum not more than two thousand dollars, at the discretion of the court having cognizance of such offence, for the use of the county, township or townships, corporations, or persons aggrieved.

SECTION 75. All fines and pecuniary penalties which may be incurred under any of the provisions of this act, shall, unless it be otherwise especially provided, be recoverable in the name of the commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are recoverable, with costs of suit, and one moiety thereof shall be paid to the person suing for and recovering the same, and the residue shall be paid into the treasury of the respective townships, for the use of the supervisors of the public roads.

SECTION 76. The proceedings to obtain the laying out or widening of a street, road or alley, and to obtain damages in consequence of the laying out or widening any street, road or alley, within the city and county of Philadelphia, shall be as follows: All petitions for the laying out or widening any street, road or alley, or for damages occasioned thereby, shall be presented to the court of Quarter Sessions, at least thirty days before the commencement of each term of said court, and thereupon the said court shall direct a venire to issue, directing the sheriff to return a panel of forty-eight freeholders, to the next term, to act as viewers in all cases of said applications, from which panel, on the day to which the said venire shall be returnable, the court shall direct six names to be drawn of viewers to act in each case, who shall be subject to all the provisions of this act, prescribing the duties of viewers of roads, and damages.

SECTION 77. So much of the several acts of assembly as prohibits any person residing or owning real estate within the city or county of Philadelphia respectively, from serving as a road or street viewer in the said city or county, be and the same is hereby repealed: *Provided*, That no person shall serve as a road or street viewer, who has an interest in the property through or near which the same is to pass.

SECTION 78. The commissioners of Philadelphia shall provide and keep a wheel, in addition to those now required by law, for the purpose of containing the names of road viewers, to serve as hereinbefore provided, which shall be selected, and who shall be summoned as jurors are now by law selected and summoned in other cases, which said wheel shall be kept by the said commissioners, and the keys thereof shall be in the custody of the sheriff, who shall receive for summoning road jurors, the same fees as he receives for selecting and summoning jurors in other cases.

SECTION 79. Said forty-eight viewers, so as aforesaid selected and summoned, shall not be required to attend personally on the day to which the venire shall be returnable, but it shall be the duty of the party petitioning, after the said six viewers shall be drawn as aforesaid, to give notice to them of the time and place of meeting, in such manner as the said court shall order and direct, and in case of any vacancy occurring after the said six names shall be drawn as aforesaid, it shall be lawful for a majority of the said viewers to fill the same.

SECTION 80. The same proceedings as are provided by the preceding sections of this act, shall be had in all cases of petitions for a review within the said city and county; and in all cases of view, review or assessment of damages in the said city and county, after the viewers shall be chosen as aforesaid, the same proceedings shall be had as are prescribed by the general provisions of this act.

SECTION 81. Nothing in this act shall be deemed or taken to repeal any special or local act now in force, relating to roads in any of the counties of this commonwealth, except such local acts relating to the city and county of Philadelphia as are inconsistent with the provisions of this act.

SECTION 82. All laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed, and this act shall take effect from and after the first day of September next.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.