

Proceeds how applied so much as may be necessary to the support and maintenance of said pauper. And if any balance shall remain after his or her death, and after deducting funeral expenses, the said directors shall pay over said balance to the legal representatives of said pauper upon demand made, and security being given to indemnify said directors from the claims of all other persons.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 43.

AN ACT

For laying out, opening and regulating streets, lanes and allies, within the limits of the borough of Womelsdorf, Berks 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 the courts of quarter sessions,

Court of quarter sessions to appoint six freeholders

Not to reside in the borough

To view the ground proposed for street or alley

And make report

To be entered on record, if approved by the court

of the county of Berks, on being petitioned to grant a view for opening or extending any street, lane or alley within the borough of Womelsdorf, in the county aforesaid, shall have power; and by virtue of this act are directed and required, as often as they judge it useful in open court, to order and appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate in the borough aforesaid, whose duty it shall be, after being first sworn or affirmed, to view the ground proposed for opening or extending such street, lane or alley, and if they, or any five of them, view the said ground and any four of the actual viewers agree that there is occasion for such street, lane or alley to be opened or extended; they shall proceed to lay out the same as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary, together with a plot or draft thereof to the next court of quarter sessions, and if then and there the court aforesaid shall approve of the same, it shall, at the next court

thereafter, be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, lane or alley, compensation being made to the owner or owners of the ground or other property, as herein directed.

SECTION 2. That on the return of the viewers reporting Damages how in favor of opening or extending any street, lane or alley as ascertained aforesaid, and the same being approved of by the court at their next sessions thereafter, to which the report is returned, the court shall appoint six discreet and disinterested free-holders, neither of whom shall reside or own real estate within the borough of Womelsdorf aforesaid, who being first sworn or affirmed, shall inquire what damages the owner or owners of lands, house or houses or other property shall or may sustain by reason of the same being taken, used or appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages to consider the advantages which may accrue to the owner or owners of such lands, house or houses, or other property by reason of opening such street, lane or alley. Proviso

SECTION 3. That upon the return of valuation and assessment of damages as aforesaid, for ground or other property taken and appropriated for any public streets, lanes or alleys within the borough aforesaid, and the court of quarter sessions of the said county of Berks having approved the same, the amount of damages awarded as aforesaid, shall be paid by the treasurer of the said county, and the chief burgess and town council of the said borough shall cause such street, lane or other passage to be opened or extended agreeably to the directions of the said court. To be paid by the treasurer of the county

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.