

LAWS OF PENNSYLVANIA

act, before said road shall pass to the management and control of the company.

SECTION 14. The superintendents appointed by virtue of this act, shall be allowed a reasonable sum for each day spent in actual service on said road, not exceeding one dollar and fifty cents at the discretion of the court, and all laws hereby altered be and the same are hereby repealed during the operation of this act.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—This seventh day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 36.]

A N A C T

For regulating and maintaining Line Fences, 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 in addition to the duties now imposed upon the township auditors, they shall hereafter perform the duties hereinafter prescribed as fence viewers. That in addition to the oath now prescribed, to be taken by the auditors they shall annually be sworn or affirmed, to discharge their duties as such viewers faithfully and impartially.

SECTION 2. In case of the death, removal or resignation of any fence viewers and auditors, so elected, the judges of the court of the proper county, shall appoint a suitable person to fill the vacancy, for the unexpired term of the person whose place is vacant.

SECTION 3. When any two persons shall improve lands adjacent to each other, or where any person shall enclose any land adjoining to another's land already fenced in, so that any part of the first persons fence becomes the partition fence between them, in both these cases the charge of such division fence, so far as is enclosed on both sides, shall be equally borne and maintained by both parties.

SECTION 4. On notice given the said viewers, shall within five days thereafter view and examine any line fence as aforesaid, and shall make out a certificate in writing, setting forth

whether in their opinion, the fence of one has been already built, is sufficient, and if not, what proportion of the expense of building a new or repairing the old fence, should be borne by each party, and in each case, they shall set forth the sum, which in their judgment each party ought to pay to the other, in case he shall repair or build his proportion of the fence, a copy of which certificate shall be delivered to each of the parties; and the said viewers shall receive the sum of one dollar for every day necessarily spent by them, in the discharge of their duties, which they shall be entitled to receive from the delinquent party, or in equal sums from each as they shall decide to be just.

SECTION 5. If the party who shall be delinquent in making or repairing of any fence, shall not within ten days after a copy of the certificate of the viewers shall have been delivered to him, proceed to repair or build the said fence, and complete the same in a reasonable time, it shall be lawful for the parties aggrieved, to repair or build the said fence; and he may bring suit before any justice of the peace or alderman against the delinquent party, and recover as in other actions, for work, labor, service done, and materials found, and either party may appeal from the decision of the justice or alderman as in other cases.

SECTION 6. The said viewers shall not be called out to view any fence, between the first day of November, and the first day of April, of the next year.

SECTION 7. If any viewer shall neglect or refuse to perform any duty herein enjoined upon him, he shall pay for each, such neglect or refusal, the sum of three dollars, to be recovered by the party aggrieved as debts of a like amount are recoverable.

SECTION 8. A majority of the viewers in each township, shall be a quorum, and shall have power to do all the duties herein assigned.

SECTION 9. All laws hereby supplied and such as are inconsistent herewith are hereby repealed.

SECTION 10. That the Philadelphia and Reading rail road company, be and they are hereby allowed until the twentieth day of December, Anno Domini one thousand eight hundred and forty-two, for the completion of their rail road with one line of rails, between the Delaware river and Pottsville.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.