

[No. 85.]

AN ACT

To change the manner of assessing damages sustained by the owners of lands in the opening of public roads in the counties of Washington, Mercer and Fayette.

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 all cases where the court of quarter sessions of the counties of Washington, Mercer and Fayette, shall hereafter appoint viewers to locate a public road, the viewers appointed as aforesaid shall not proceed to view and lay out the same until the persons interested in the road give public notice by written or printed advertisements of the time and place where the said viewers shall meet for the purpose of locating the road, at least ten days before such meeting. Quarter Sessions

SECTION 2. If the viewers aforesaid shall decide in favor of locating a public road or highway, it is hereby made their duty to obtain from the persons through whose lands the road may pass, releases for any damages that may arise to them in opening the same; and in every case where the owners of such lands refuse releasing their claim to damages, the said viewers shall assess the damages and make a report thereof signed by a majority of the viewers present, and transmit the same together with all releases to the next court of quarter sessions, to be filed in said office with the papers relating to said road. Viewers duty

SECTION 3. It is hereby enjoined upon the said court to examine the amount of damages assessed as aforesaid, and if it shall appear to the court that the amount of damage arising by the location of any such road is so small that the public interest will be subserved by paying the damage and opening the road, the court shall decide accordingly, but if the court shall be of opinion that the necessity of the road will not justify the county in which the road is situated in paying the damage, in that case the court shall refuse to confirm the road: *Provided,* That if any person or persons shall pay the assessed damages the road may be confirmed by the court as heretofore. Damages

LAWS OF PENNSYLVANIA,

SECTION 4. That so far as any act or acts are hereby altered or supplied, the same be and are hereby repealed.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 86.]

AN ACT

To authorize the sale and conveyance of certain real estate, 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 John Hill and John T. M'Gowen,

Guardians of guardians of Charles, Elizabeth, Harriet and Henrietta Miller, minor children of Johnson Miller, deceased, late of the township of Ligonier, in the county of Westmoreland, be and they are hereby authorized to sell and convey, in fee simple, all the right, title and interest, which the said Johnson Miller possessed at the time of his decease, to and in a certain lot of ground, and appurtenances, containing about twelve acres, situate in the town of Greenville, in the county of Clarion, and to place the proceeds of said sale at interest; or to make such other investments as they may deem most advantageous to the estate of said deceased: *Provided*, That the said guardians shall make report of their proceedings, to the orphans' court of the proper county, which shall have the same jurisdiction over the said sale, as in other cases: *And provided further*, That before making such sale, the said guardians shall give security in the orphans' court of Clarion county, to be approved of by the said court, for the faithful investment and distribution of the proceeds of such sale.

Proviso

SECTION 2. That the overseers of the poor of the township of Cumberland Valley, in the county of Bedford, be and they