

passing of this act the second district, in Butler county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by Alexander Ramsey, in said district.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the sixth district, in Butler county, shall be erected into a separate election district, and the electors thereof shall hold their elections at the house now occupied by Washington Porter, in said district.

Approved April 3, 1804. Recorded in L. B. No. 10, p. 31.

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## CHAPTER MMDXX.

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A SUPPLEMENT TO THE ACT, ENTITLED, AN ACT FOR LAYING OUT AND KEEPING IN REPAIR THE PUBLIC HIGHWAYS WITHIN THIS COMMONWEALTH AND FOR LAYING OUT PRIVATE ROADS. (4).

Section I. (Section I, P. L.) 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 the county of Philadelphia, on being petitioned to grant a view of or for opening any public road, street, lane or alley, within the township of the Northern Liberties, or the district of Southwark, shall have power, and by virtue of this act are directed and required, as often as they find it needful, in open court, to order and appoint twelve discreet and reputable freeholders, neither of whom shall reside or own real estate, in the township or district aforesaid, who being first sworn or affirmed, shall, together with the commissioners of the county for the time being, or a majority of them, view the ground proposed for such road, street, lane or alley; and if they, or any ten of them view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such road, street, lane or alley, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having

respect to the best ground for such road or street aforesaid, and the shortest distance, 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 for a public road, street, lane or alley, together with a plot or draft thereof, and the courses, distances and references to the improvements through which it may pass, 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 road, street, lane, or alley, compensation being first made to the owner of the ground or other property, as hereinafter directed: Provided, that no road or street so laid out, shall, in any case exceed fifty feet in width.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That on the return of the viewers reporting in favor of laying out any road, street, lane or alley, or on application by petition, for the opening of any road, street, lane or alley as aforesaid, and the same being approved of by the court, the court at their next session thereafter, to which the report is returned, or petition presented, shall appoint twelve discreet and respectable freeholders, neither of whom reside or own real estate within the township or district aforesaid, who being first sworn or affirmed, shall enquire what damages the owner or owners of lands, house, houses or other property, shall or may sustain, by reason of the same, being taken, used and 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 house, houses or other property, by reason of laying out such road, street, lane or alley.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, upon the return of the valuation and assessment of damages aforesaid, for ground or other property taken and appropriated for public roads, streets, lanes or alleys, within

the township and district aforesaid; and the court of quarter sessions of the county of Philadelphia, having approved the same; the amount of damages awarded by the said viewers, shall be paid by the treasurer of said county, and the court shall direct the supervisor of the highways, or if within the incorporated part of the Northern Liberties, or of the district aforesaid, the superintendent, to stay the opening of such road, street, lane or alley, until the amount of the damages so awarded shall be fully paid and satisfied: Provided always, that unless the same shall be paid within one year next after the return made by the viewers, all such proceedings as afore said, shall be void and of no effect whatever.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much and no more of any act or acts, as are by this act altered and supplied, be and the same is hereby repealed.

Approved April 3, 1804. Recorded in L. B. No. X, p. 32.  
Note (†). Chapter 2298. Supra, this volume, p. 151.

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## CHAPTER MMDXXI.

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AN ACT FOR ASCERTAINING THE RIGHT OF THIS STATE TO CERTAIN LANDS LYING NORTH AND WEST OF THE RIVERS OHIO AND ALLEGHENY, AND CONEWANGO CREEK.

Section I. (Section I, P. L.) 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 applications of actual settlers for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, under the act, entitled "An act for the sale of the vacant lands within this commonwealth," passed the third day of April one thousand seven hundred and ninety-two,<sup>(1)</sup> describing particularly the lands applied for and filed with the secretary of the land office, vouching such other requisites as provided for by the act of twenty-second of September one thousand seven hundred and ninety-four,<sup>(2)</sup> entitled "An act to prevent the receiving any