

said being produced to the county commissioners, they shall draw their warrant upon the treasurer of the county for the amount of said valuation; and the treasurer shall pay the same out of the fund arising from the tax aforesaid, if so much shall be in his hands; but if he shall not have a sufficiency for that purpose, then the said warrant shall be held by the person in whose favor it may be drawn, and shall have preference of all warrants of later date in payment so soon as a sufficient sum shall come into the fund to discharge the same: Provided, that nothing in this act contained, shall be construed to entitle any person to payment whose sheep may be destroyed, or horses, cattle or swine bitten as aforesaid, by his or her own dog or dogs.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That any dog keeping about or making his stay at any house, shall be taken and deemed sufficient evidence of ownership to enable the assessor to charge the person with the tax, at whose house the dog or dogs may be found, and nothing in this act contained shall be so construed as to prevent the owner or possessor of any dog from making full compensation for damage done by such dog, if the said owner or possessor had had sufficient knowledge of his or her dog or dogs making a former depredation of the like nature; and had neglected to kill or secure the said dog or dogs.<sup>(1)</sup>

Approved April 10, 1807. Recorded in L. B. No. 11, p. 88:

Note (1) See Chapter 3061; *Infra*, this volume, p. 1031, repealing the act in the text and substituting other legislation.

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## CHAPTER MMDCCCLVII.

AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT OF CERTAIN ROADS IN THE WESTERN COUNTIES, AND AUTHORIZING THE COURTS OF THE RESPECTIVE COUNTIES TO APPOINT FIT PERSONS TO VIEW AND LAY OUT THE SAME.

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 sum of three thousand dollars, be, and the same is hereby appropriated for the purpose of opening and improving the roads to be viewed and laid out as herein provided for, to wit: From the town of Beaver, in the county of Beaver, to the town of Mercer, in the county of Mercer, four hundred and fifty dollars; and from the town of Pittsburgh, in the county of Allegheny, to the town of Butler, three hundred dollars; and from the town of Butler aforesaid, to the town of Mercer, in the county of Mercer, four hundred dollars; and from thence to the town of Meadville, in the county of Crawford, six hundred dollars; and from the town of Butler aforesaid, to the town of Franklin, in the county of Venango, four hundred dollars; and from thence to the town of Meadville aforesaid, four hundred dollars; and from thence to the town of Waterford, in the county of Erie, four hundred and fifty dollars; and the governor is hereby authorized and required to draw his warrant on the state treasurer, in favor of the respective county commissioners, for the several sums appropriated as aforesaid, in proportion to the length of the several roads which may lie within each county respectively, which length shall be ascertained as is hereinafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the courts of quarter sessions of the peace, of the respective counties herein named, be, and they are hereby authorized and required to appoint three fit and judicious citizens for each of the aforesaid counties, one of whom at least for each county shall be a practical surveyor, to view and lay out a road from one point to another, each of whom shall take an oath or affirmation before one of the judges or a justice of the peace of the respective county for which any of such viewers may be appointed, that he will discharge the duties of the trust for which he has been appointed with fidelity, and that public utility shall be the governing motive in the discharge of his duty; and the said courts are hereby empowered to direct the viewers, who may

be appointed under this act to lay out the said road to any width not exceeding one hundred feet in the whole length, or such parts thereof as the said courts shall think necessary.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the citizens who may be appointed as viewers for laying out the different roads herein-before named, shall proceed in the following manner, to wit: The viewers of the adjoining counties shall meet at such a point as any of the said roads is intended to lead from, through, or to, and shall ascertain a right line from one point to another, and legibly mark the same, so as to serve for a line of experiment, which having done, the viewers shall begin at the most southern point and view the ground on each side of said line found, and lay out a road on said line so found, or as near thereto on either side, or passing over the same from one side to another, as they shall judge under all circumstances most proper; and they shall legibly mark a line to designate the middle of the road which they lay out, and shall also designate on each side by a plain and distinguishable mark on a tree, or by the erection of a post sufficiently conspicuous, in every quarter of a mile of the distance at least where the road pursues a straight course so far or farther, and on each side at every point where any angle occurs in its course; and shall at the end of each mile mark on a tree or erect a post on the right hand side of the road leading northwardly, on which the number of the miles shall be marked in such a manner, that the distance may be known from one principal point or town to another; and it shall be the duty of the said viewers to keep an accurate account of the distance from any principal point or town at which the viewers of any two adjoining counties may begin, to the line which divides any two of the said counties.

Secton IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said viewers as soon as may be after they have laid out any of the said roads respectively, to make out at least two accurate plans of each of the said roads, for each county, but

within the limits of the same, with its several courses and distances, and such other appendages as they may deem necessary, one of which shall be deposited in the prothonotary's office, and the other in the commissioners' office of the respective county.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the viewers that may be appointed under the authority of this act, and who may be mutually engaged in laying out any of the said roads, that after they shall have laid out the same, that they shall jointly certify duplicate copies of the number of miles and parts of a mile which lies within their respective counties, from one principal point or town to another; and it shall also be their duty to apportion the sums herein before appropriated for opening and improving the roads from one point to another respectively, in proportion to the number of miles and parts of a mile as is before ascertained and certified, which shall be inserted in the said duplicates and which shall serve as a data for to enable the commissioners of the respective counties to draw their orders on the governor to the amount of the sums herein-before appropriated.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the respective counties herein-before named shall as soon as may be, after they have received the sums herein appropriated and apportioned as aforesaid, and shall pay the same over to their respective county treasurers for the time being, and take receipts for the same, which said treasurers shall account for as other county stock; and it shall be the duty of the said treasurers respectively, to pay out the sums by them so receipted for, on warrants drawn by the county commissioners, at such time or times and to such amount as they shall deem necessary, until the whole of the appropriations are disposed of according to the true intent and meaning of this act.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the respective counties

herein named, or a majority of them respectively, to contract with any person or persons for improving said roads, or any part or parts thereof within the bounds of their respective counties, and to take such surety or sureties, for the faithful performance of such contract or contracts as they or a majority of them shall deem necessary in their respective counties.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners of the respective counties herein named, to render a just account of the expenditures of the appropriations made under this act, which the said commissioners may have received for the use of their respective counties, to the auditors who may be appointed for settling the accounts of the commissioners and treasurers of the respective counties, who are hereby authorized to adjust and settle the same, and to allow each of the said commissioners who may be necessarily employed in performing the duties required of them by this act, one dollar and thirty-three cents per day, to be paid out of the treasury of the respective counties.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners of the respective counties herein named, and they are hereby authorized and required to settle and adjust the accounts of the viewers who may be appointed under the authority of this act, and allow each of them the sum of one dollar and fifty cents per day, for every day that they may be necessarily employed in performing the duties enjoined on them by this act, to be paid out of the treasury of their respective counties.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That nothing in this or any other act, shall be construed to interfere with the provisions of the act entitled "An act to encourage the patenting of lands and for other purposes."<sup>(1)</sup>

Approved April 10, 1807. Recorded in L. B. No. 11, p. 92.

Note <sup>(1)</sup> Chapter 2617; 17 Statutes at Large, p. 1075.