

No. 98.

A N A C T

To repeal a supplement to the act, entitled "An Act relative to the expenditure of the road taxes in Fayette county, and for other purposes," approved the fifth day of May, A. D. one thousand eight hundred and thirty-two, 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 a Fayette county. supplement to the act, entitled "An Act relative to the expenditure of the road taxes in Fayette county, and for other purposes," which authorizes the supervisors of the public roads and highways of Salt Lick township, in said county, to levy and collect a certain portion of the road tax in cash, approved on the fifth day of May, A. D. eighteen hundred and thirty-two. be and the same is hereby repealed.

SECTION 2. That it shall be lawful for the taxable inhabitants of the Public roads in townships of New Garden and Pennsbury, in the county of Chester, at Chester county. their next township election for supervisors of the public roads and highways, to elect three suitable persons as supervisors, one for one year, one for two years, and one for three years, and one person annually thereafter, to serve for three years, any two of whom may constitute a quorum to do business; and whose duty it shall be within fifteen days after their election, and every three years thereafter, to lay out and divide the public roads and highways in said townships into sections not exceeding one-half mile in length, which they shall number and describe in a book kept by them for that purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads respectively, for the term of three years; and when the supervisors shall have so laid out and divided the said public roads and highways as aforesaid, they shall within two days thereafter give at least ten days' notice, by six or more handbills put up in the most public places in the said townships, designating the time and place for the taxable inhabitants of said townships to meet, at which time and place it shall be the duty of the said supervisors to attend and sell out at public sale, for the term of three years, to the lowest and best bidder of the taxable inhabitants of the said townships, the said sections of the public roads and highways, according to the terms therein specified, one section at a time, until they are all disposed of; but no section shall be sold for more than the sum estimated thereon by the supervisors, and if any section or sections shall then remain unsold on account of no bid having been made, or on account of their having been bid higher than the amount estimated by the supervisors, they shall be again set up and sold to the lowest bidder, not exceeding the estimate aforesaid, and if any section or sections shall still remain unsold, the supervisors shall afterwards let out such section or sections on private contract: *Provided*, That the said supervisors Proviso. shall not be allowed either directly or indirectly to purchase or contract for any section of road so sold or let out: *Provided also*, That only one-third part of the amount of the said sales and contracts shall be

paid to the respective purchasers and contractors in any one year, except in such cases as are hereinafter provided for.

Contracts. SECTION 3. Any person or persons who shall purchase or contract for a section of road as aforesaid, shall write his or their names respectively in the supervisors' book opposite to the section or sections so purchased or contracted for, together with the amount of the purchase or contract money.

Roads, how kept. SECTION 4. It shall be the duty of the contractors to keep their sections in good and substantial repair, by having the bed of the road raised in the middle and sloping gradually each way to the sides, where ditches or drains shall be kept open of sufficient depth and width to carry off the water, and in order to hasten the gradual wearing away and reduction of the hills, it shall not be lawful to construct crossways or open drains across the bed of the road within fifty feet of their tops or summits, nor shall such crossways or drains be constructed on the slopes or sides of hills of less grade than five degrees; strong embankments at least one foot high shall be made along the sides of the road at the foot of hills, for the purpose of preventing as far as practicable the loose earth carried down from being washed away; loose stones shall be carefully removed or covered with earth; should any person neglect or refuse to make the improvements and keep his or her section or sections of road in good repair, as purchased or contracted for as aforesaid, upon complaint of any of the citizens of the township, or of the adjoining townships, made to the supervisors or either of them, it shall be the duty of the said supervisors to examine the section or sections complained of as soon as practicable, and if they deem the complaint well founded, to give notice to the party or parties complained of to make the improvements, and put his, her, or their section or sections of road in good repair, according to the terms specified therein, within six days thereafter; and if he, she, or they shall refuse or neglect to comply with said notice until the expiration of the said six days, it shall be the duty of the supervisors to have the said section or sections improved and repaired, according to the terms specified in his, her, or their purchase or contract, and the costs of improving and repairing the same shall be recoverable by the supervisors of such person or persons so neglecting or refusing, as other debts of equal amount are by law recoverable, with costs of suit; and upon a second complaint of neglect or refusal of the same person or persons in any one year, which the supervisors shall deem well founded, his, her, or their contract or contracts shall be declared forfeited.

Penalty for neglect to keep roads in repair.*

When contracts may be surrendered.

SECTION 5. It shall be lawful for any purchaser or purchasers, contractor or contractors, who may remove out of the said townships, to yield up to the supervisors the unexpired portion of his, her, or their term, by giving due notice thereof in writing at least twenty days before the next election for supervisors; and the unexpired term of such purchase or contract so yielded up, and of the contracts forfeited under the preceding section, shall be sold at public sale, or let on private contract, in the manner and form provided for in the second section of this act: *Provided*, That in case of death or removal out of the township, the supervisors shall pay to the representatives of persons so deceased and to persons so removing, such portions of the money specified in their respective contracts, as they shall believe them justly entitled to.

Supervisors' duties.

SECTION 6. It shall be the duty of the supervisors to inspect all the roads in said townships at least once in two months, and if they shall at any time find that any of the purchasers or contractors have neglected or refused to keep in good repair any section or sections of road purchased or contracted for by him, her, or them, according to the terms

specified, they shall give notice to such purchaser or purchasers, contractor or contractors, as is directed in the fourth section of this act; and if any of them neglect or refuse to comply with said notice, they shall proceed as is directed in the aforesaid section of this act, and enforce payment in like manner.

SECTION 7. The supervisors of said townships shall be allowed such Pay. compensation for their services, as the auditors of the township may deem just and equitable, not exceeding one dollar for every day they shall be necessarily employed in discharging the duties of their office.

SECTION 8. So much of the laws of this commonwealth relating to public roads and highways, as is inconsistent herewith, is hereby repealed, so far as relates to the townships of New Garden and Pennsylvania, in the county of Chester. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 99.

AN ACT

To provide for the election of commissioners for opening and repairing the public highways in Blockley township, Philadelphia county, 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 the qualified electors of the township of Blockley shall, at the time and place of holding their township election, on the third Friday of March, eighteen hundred and forty-five, elect nine citizens of the said township to serve as commissioners, whose duty it shall be to have the supervision of the public highways of the said township, and cause the same to be opened and repaired as they are at present by the supervisors, or by contract in part or the whole, to the lowest and best bidder, (of which ten days' notice, in at least ten of the most public places in the township, shall be given,) as they or a majority of them shall determine; and the said commissioners shall be subject to the same penalties, and shall have all the powers and authority vested in them, which supervisors of the public highways have under the laws of this commonwealth, whose office as well as duties it is intended they shall supply, and their notification of election, and the returns thereof, shall be the same as are provided by law for the supervisors. Commissioners.

SECTION 2. The said commissioners shall meet on the first Thursday after their election in said township, at two o'clock in the afternoon of the said day, and proceed to divide themselves by lot into three classes, Classification.