

year next after the first day of the court of the said county held next after the said election, sell and deliver, or cause to be sold and delivered, any vinous or spirituous liquors to any person or persons, such person or persons so selling shall be liable to indictment, and on conviction thereof shall forfeit and pay, for every such offence, a sum not less than twenty dollars, nor more than one hundred dollars.

Laws applicable
when decision is
in favor of selling
liquor.

SECTION 5. That if any of the boroughs or townships in said county shall, by a majority of votes polled as aforesaid, decide "For a sale of Liquors," then the laws now in force regulating the licensing of inns and taverns, and retailers of foreign goods and merchandize, including liquors, shall remain in force and apply to the said boroughs and townships, as if this act had not been passed; and all laws hereby supplied or altered, are hereby repealed.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 224.

AN ACT

Relating to views of roads and damages, in the counties of Monroe and Montgomery, 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 hereafter, the expenses of all views and reviews of public roads, and views to assess damages arising from the opening of public roads, in the counties of Monroe and Montgomery, shall be paid by the petitioner or petitioners therefor.

Expenses.

Road damages,
&c., Colebrook-
dale township,
Berks county.

SECTION 2. That from and after the first day of August next, all assessments of damages arising from the opening of any public road, or part of any public road, within the township of Colebrookdale, in the county of Berks, shall be paid by the petitioners for the road, before such public road, on the part thereof shall be opened; and the court of quarter sessions of Berks county, upon application, at any time after confirmation of any such road, shall appoint six disinterested persons to view and assess the damages, if any, which may be sustained.

Jefferson county,
roads, expenses,
&c.

SECTION 3. That all expenses for laying out and opening roads, in Jefferson county, be paid out of the road funds of the several townships through which the same may pass, and that all expenses for the election of township officers be paid out of the township rates and levies; also, that the several supervisors of all the townships, in the county of

Jefferson, before they enter upon the duties of their office, be required to give surety, in a bond double the amount of the sum assessed for road purposes, conditioned for the faithful performance of their respective offices, and for the faithful application of all moneys that may come to their hands; also, that the auditors of the several townships, within ten days after they shall have settled with the supervisors, to file in the office of the clerk of the quarter sessions of Jefferson county, under their oaths or affirmations, a true copy of said settlement, which said account, when so exhibited, if no exceptions are filed within thirty days, the same shall be final and conclusive, and have all the effects that a settlement made by the auditors of the county can or would have, when made with the commissioners of the county.

SECTION 4. That Jacob S. Yost, George Richards, Isaac Linderman, Streets in Norris-
John M. Jones, and William T. Morrison, be and they are hereby town.

appointed commissioners, and they, or any three of them, shall have authority to view and lay out streets in the borough of Norristown, in the county of Montgomery, at the following places, and on the following lines or routes, and of such width as may be necessary, to wit: Commissioners' duties, &c.
One street from Sweede street, at or near the angle in the same near Samuel Jacoby's barn, and the west corner of William Powell's land, to the public road leading from the north-east end of Greene alley, eastwardly, by Samuel Haw's house; one street from Sweede street, at a point at or near the west corner of the Friends' meeting house and burial lot, to Greene alley continued, or to the above mentioned road; one street from Sweede street, at the intersection of Chestnut street, to Greene alley continued, on to the above mentioned road; one street from Sweede street, at the intersection of Marshall street, to Greene alley continued, each of which streets shall be laid out as nearly as practicable parallel with Airy street; one street from the first above mentioned proposed new street, at a point where a line from the middle of the north-east end of De Kalb street, run on the course of De Kalb street would strike said proposed new street; thence along such line to Marshall street continued or the academy lot; thence northwesterly along Marshall street continued, or by said academy lot, to a point north-west of the east corner of Mrs. Maris's land; thence on the south-east side of the same, along the north-west line and clear of the academy lot to Airy street; one street from the north-east end of Greene alley, on the same course thereof, to the first or second above mentioned proposed new street; one street from the south-west end of Cherry alley, on the same course thereof to Schuylkill street, if they shall think the said streets, or either of them, necessary for the convenience of the citizens or for public use; and shall also widen Barbadoes street on the north-west side thereof, between Egypt street and Lafayette street, so as to make Barbadoes street, between said points, of the same width as the same is between Lafayette street and the Schuylkill river, and also widen the road leading from Sweede street, by William Stroud's land, to the borough line near Stoney creek; and make report of their proceedings, accompanied with a plot or draft of the streets laid out and widened by them, and the connecting streets and roads, to the court of quarter sessions, within two months thereafter; and all the provisions of the act of the twenty-fourth of February, one thousand eight hundred and thirty-four, entitled "An Act for the improvement of the borough of Norristown, in the county of Montgomery," so far as the same may be applicable to the said proposed new streets shall apply to the authority, duty, and proceedings of the commissioners herein named, as fully as if such provisions were herein specifically enacted; and said commissioners shall receive one dollar and fifty cents per day for their

services, to be paid by the town council; and the expenses of surveying said streets or running out the same, making said map or draft, and filing and confirming said proceedings, shall be paid by the person or persons on whose written request or notice the said commissioners shall proceed to perform their said duties; and the person or persons who shall sustain any damages by laying out or widening any street, in pursuance of this act, shall be entitled to recover the same, in the same manner as if such street or road had been laid out or widened pursuant to law, by order of the court of quarter sessions of said county.

Borough of Norristown, street vacated.

SECTION 5. So much of the second section of the act approved the thirtieth day of April, one thousand eight hundred and forty-four, entitled "An Act to change the name of Tuscarora township, in Bradford county, and for other purposes," as declares the road or alley laid out for the use of the lots bounding thereon, extending from Swede street along the north-east side of Benjamin F. Hancock's lot, to Strawberry alley, in the borough of Norristown, should be a public road or alley, as fully as if laid out by the court of quarter sessions of the county, be and the same is hereby repealed.

Paving, work done, &c. in Norristown.

SECTION 6. That all claims for materials furnished, and for work and labor done, in curbing and paving any sidewalk in front of, or adjoining any lot or piece of land in the borough of Norristown, in the county of Montgomery, filed after the passage of this act, shall be the first lien on the lot or lands in front of, or adjoining which, such curbing or paving shall have been done; and the amount of such claim shall be paid before any other lien on such lot or lands, out of the proceeds of any sale thereof; and in all cases in which any such claim shall remain unpaid for sixty days after the same shall be filed in the prothonotary's office, the owner of the lots or lands, shall pay for the use of the borough, twenty per cent. on such claim, in addition to the amount thereof; and execution may issue on such claim filed, for the amount thereof, and the said twenty per cent. in addition thereto, as in other cases.

Claims, before whom collected.

SECTION 7. Justices of the peace shall have jurisdiction, concurrent with the court of common pleas, in all cases of claims or demands for materials furnished, or for work done in curbing and paving any sidewalk in the borough of Norristown, either by the order or engagement of the owner of any lot or lands, or of the town council, not exceeding one hundred dollars, before any such claim for materials or work shall be filed as a lien in the prothonotary's office, and suits for such demands may be brought by, and in the name of the person who furnished the materials or done the work, or by and in the name of the burgess and town council of the borough of Norristown, at their option: *Provided*, That appeals from the judgment of the justice, shall be allowed as in other cases.

Wooden buildings in Norristown.

SECTION 8. Hereafter it shall not be lawful for any person or persons to put up or erect any log, frame or wooden building, in the borough of Norristown, on Egypt street, Airy street, Barbadoes street, Cherry street, Cherry alley, Strawberry alley, Marshall street, Chesnut street, De Kalb street, Washington street, between Mill street and Barbadoes street; La Fayette street, between Mill street and Markley street; Penn street, between Barbadoes street and Green alley; Sweede street, between the river Schuylkill and Chesnut street; Green alley, between Penn street and Washington street. And if any person or persons shall put up or erect any log, frame or wooden building in said borough, contrary to the provisions of this section, he, she or they, so offending, shall forfeit and pay a penalty of fifty dollars, to be collected as debts of the same amount are collectable, in the name of the burgess and town council of the borough of Norristown, for the use of the borough,

in case proceedings be instituted by any officer of the borough, or by order of the town council; and in case the proceedings be instituted at the instance of any informer, one-fourth of such penalty shall be for the use of such informer, and the remainder for the use of the borough; and such building, and every stable which may have been erected on any of said streets since April first, eighteen hundred and forty-four, shall moreover be liable to be taken down by order of the town council; and in case the owner shall neglect or refuse to take down any such building, or any stable erected on said streets since the first day of April, eighteen hundred and forty-four, within ten days after notice so to do, the council shall immediately cause the same to be taken down, and the materials thereof shall be sold to defray the costs and expenses of removing the same, unless the owner shall immediately pay such costs and expenses; or the council may recover the amount of the costs and expenses of taking down any such building from the owner or owners thereof, or from the persons who erected the same, as debts of the same amount are recoverable, at their option.

SECTION 9. All the ordinances ordained and enacted by the town council of the borough of Norristown, for the good order and govern- Force of ordi-
nances, &c.
ment of said borough, to prevent obstructions and nuisances in roads, streets, lanes and alleys of said borough, and for the preservation of the streets, sidewalks, curbing and pavements in said borough, shall have the same force and effect as if enacted by the legislature of this commonwealth; and the town council of said borough are hereby authorized, whenever they may deem the same necessary, to appoint one or more persons to carry into effect the ordinances, rules and regulations of the borough, and act as police officers therein, who shall be called assistant Assistant high
constables.
high constables; and when appointed, shall severally be vested with the same power and authority, shall perform the same duties, be liable to the same provisions and penalties, and shall receive the same fees and compensation as the high constable of said borough, and such other compensation as the council may allow: *Provided*, The persons so Proviso.
appointed shall continue in office until the next election of high constable, and no longer; but may be removed by two-thirds of the town council for neglect of duty: *And provided also*, That no such assistant high constable shall be authorized to serve or execute any civil process until he shall have given bond, with sureties to be approved by the town council, in such penalty as they may direct, conditioned for the faithful performance of his duty according to law; which bond, and a certificate of the appointment of such assistant high constable, signed by the president of the council and the town clerk, under the corporate seal, shall be filed in the office of the clerk of the court of quarter sessions of the county of Montgomery.

SECTION 10. That the provisions contained in the eighth section of Williamsport the act of the ninth of June, one thousand eight hundred and forty, bridge company.
entitled "An Act to incorporate the Williamsport bridge company, in the county of Lycoming, and for other purposes," requiring the said company to commence the construction of said bridge, within five years from the passage of the said act, be and the same is hereby extended for the further period of five years.

SECTION 11. That Mark Gordon, Caleb Spragg, and Israel L. Craft, State road in Greene county.
of Greene county, are hereby appointed commissioners to view and lay Commissioners.
out a road, beginning at or near the farm of William Whitlatch, in Whitely township, thence up Dye's fork of Whitely creek, by the farm of John Hamilton, crossing the Middlebourne state road, at or near the farm of Widow Thomas, to the Grave creek road, at or near the farm of William Laughridge, in Richill township, Greene county.

Oath. **SECTION 12.** That it shall be the duty of the said commissioners, after making and subscribing an oath or affirmation, before some justice of the peace in said county, to perform the duties enjoined on them by the provisions of this act, with fidelity and impartiality, to carefully

View ground. view the ground over which said road may pass, and to lay out the same as near a straight line, between the aforesaid points, as the nature of the ground and other circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate excavation, filling, or bridging the declination of said road, it may be preserved within that limit.

Mark route. **SECTION 13.** That it shall be the duty of the said commissioners, plainly and distinctly, to mark the ground on the route agreed upon for the said road, in such manner as to enable the supervisors readily to find the same; the commissioners aforesaid, are hereby authorized to employ two chain carriers and one axeman, at a per diem allowance, not exceeding seventy-five cents each; and the said commissioners shall receive a per diem allowance of one dollar and fifty cents each, for so much time as may be necessarily spent in carrying out the provisions of this act, except the commissioners performing the duties of surveyor, who shall be entitled to receive one dollar per day additional.

Pay.

Drafts. **SECTION 14.** That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and streams, with such other matters as may serve for explanation, one copy thereof, shall be deposited in the office of the secretary of the commonwealth, on or before the first of January next, and one copy in the office of the clerk of the court of quarter sessions in said county, on or before the first of January next, which shall be a record thereof; and thenceforth, the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and manner, in all respects, as roads are opened and repaired, which are laid out by order of the court of quarter sessions aforesaid.

Accounts of commissioners. **SECTION 15.** That the account of the said commissioners, for their own pay, chain carriers and axeman, shall be made out and returned to the commissioners of said county in which the road is located, and that such expenses shall be paid out of the treasury of the county, on orders drawn in the usual way.

Meeting of commissioners. **SECTION 16.** That said commissioners shall meet at the house of Mark Gordon, in said county, on or before the first of July next, or as soon thereafter as practicable, and complete the location of said road as soon as possible; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of said county, shall fill said vacancy by the appointment of a suitable person or persons, to perform said duty.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.