

will permit, so that the vertical departure from a horizontal line shall, at no point, exceed four and one-half degrees.

Mark route. SECTION 7. That it shall be the duty of said commissioners, plainly and distinctly, to mark the ground agreed upon for the road aforesaid : and said commissioners are hereby authorized to employ one competent surveyor, at a per diem allowance of one dollar and fifty cents ; also, one axeman and two chain carriers, at a per diem allowance of one dollar each ; and said commissioners shall each receive a per diem allowance of one dollar and fifty cents, for each and every day necessarily spent in discharging of the duty enjoined by this act.

Pay. SECTION 8. That it shall be the duty of said commissioners to make out a fair and accurate draft 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, and such other matter as may serve for explanation ; a draft of which shall be placed in the office of the clerk of the court of quarter sessions of the several counties of Indiana, Armstrong and Clarion, within three months after the said road shall be viewed and laid out ; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth, and repaired in all respects as roads are now opened and repaired in the several counties through which said road shall pass.

Draft. SECTION 9. That the expenses for the view and location of said road shall be paid by the counties of Armstrong, Indiana and Clarion, on warrants of the commissioners of said counties, in the usual manner ; and all damages arising from the opening of said road, through improved land, shall be assessed and paid in the manner directed by law, in cases of public roads.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 71.

AN ACT

To authorize the sale of the Lancasterian lot and school house, in the city of Lancaster.

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 commissioners of the county of Lancaster, and their successors in office, or a majority of them, be and they are hereby authorized to sell, *Commissioners of Lancaster authorized to sell a certain lot.*

by public or private sale, as may seem most suitable, but not for any less sum than the common school directors of the city of Lancaster, for the time being, or a majority of them, shall approve by writing, transmitted to said commissioners before such sale, the lot of ground and buildings thereon erected, described in the third section of the act of assembly, entitled "An Act relative to Lafayette college, and to public education in the city of Lancaster," passed on the fifteenth of April, one thousand eight hundred and thirty five, and to make a sufficient conveyance, in fee simple, to the purchaser thereof, discharged of all claims or uses in favor of the said county or city of Lancaster, subject, however, to the ground rent; and shall pay the whole amount of the purchase money, after deducting expenses of sale, commission of treasurer and other incidental expenses, which they shall receive therefor, to the board of common school directors of said city, or to such person as they, by resolution, shall direct, to be applied by said directors, wholly and exclusively, to the purchase of a lot or lots, and the erection thereon of school houses, for the use of the common or public schools of said district: *Provided*, That such money shall not be paid until the property shall have been purchased, as mentioned before, and a legal mortgage executed.

SECTION 2. That immediately after the purchase of the lot or lots by the preceding section authorized to be purchased, the president of the board of common schools of said city, then in office, shall execute a mortgage in favor of the commissioners of said county, for the use thereof, binding said lot or lots, with the buildings thereon to be erected, for the payment to the said county of the full amount of the purchase money of the property hereby authorized to be sold, which mortgage shall have priority over all other like liens or claims upon said lot or lots, but shall not bear interest, nor take effect in any other manner until, and except said lot or lots shall entirely cease during the term of one full year, to be used for the purposes of public education in said city; in which event, it shall take effect, so as to enable said county to recover the whole amount of the principal sum for which it shall have been given, by due course of law, as in other cases of money due and unpaid on mortgage; and said county shall not be liable for the repair of the buildings hereby authorized to be erected; and in the deed conveying the said premises to the school directors aforesaid, it shall be stated, that said premises are subject to the payment of said mortgage on the conditions aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.