

after deducting costs, charges, expenses, prior incumbrances, a reasonable contingent fund to provide against loss, destruction and decay, as may be necessary to pay eight per cent. upon the moneys paid upon the stock subscribed, in pursuance of this act, and the residue to be divided among the holders of stock, in the old bridge, *pro rata*, not exceeding eight per cent. ; and if there should be any surplus of profits after the dividends aforesaid, it is to be divided among all the stockholders, *pro rata*.

SECTION 4. That if the stockholders at their meeting aforesaid, hold- ing two-thirds of the stock of said company, shall determine to rebuild said bridge at the expense of the company, the president and managers may therefore assess from time to time, upon the stockholders, such sum or sums per share, as may be necessary to rebuild the same, and may proceed to collect the same, and forfeit the shares of delinquents for non-payment, according to the provision of the seventh section of the act of the twenty-fifth day of March, A. D., one thousand eight hundred and nine, to which this is a supplement.

SECTION 5. That the commissioners of the county of Union, are hereby authorized and required to rebuild a bridge over Penn's creek, in the said county, at or near the site of the "old bridge," on the public road or street leading from or past John Hall's store, in the town of Selinsgrove, to the town of Charleston, on the Isle of Que, at the proper expense and cost of the said county of Union, in the same manner as if all the proceedings, by the court and grand jury of said county, had been heretofore had under existing laws, approving of the rebuilding of said bridge, by said county.

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

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

FRS. R. SHUNK.

No. 223.

AN ACT

Relative to roads and bridges in the counties of Armstrong, Mercer and Crawford.

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 voters of the different townships in the county of Armstrong, shall on the second Friday of March next, at the township election, elect three persons, who shall be styled commissioners of roads and bridges.

SECTION 2. Within ten days after said election, the persons so elected commissioners, shall meet at the office of the township clerk, or in his absence, at the office of a justice of the peace most convenient to the

Oaths.

election ground in the township, who shall proceed to class by lot the said commissioners—one to serve three years, one to serve two years, and one to serve one year; and as soon as the clerk or justice shall have completed the classification, he shall administer an oath or affirmation to each of said commissioners, faithfully and impartially to administer the duties of said office, and shall record the same in the township records; and the qualified voters in each of said townships, shall annually, at the township elections thereafter, elect one person for commissioner, who shall hold his office for three years; and if any vacancy occurs, such vacancy shall be supplied by appointment by the board, until the next election.

Duplicate of taxables to be made.

SECTION 3. As soon as the commissioners are qualified, they shall notify the assessor of the township, who made the last assessment, to draw off in a duplicate, the names of all the taxables in said township, together with all the property of each taxable assessed by said assessor, for county rates and levies, and place the same valuation on such as was placed for county purposes; and the said assessor shall certify the same to be a true copy of the last assessment of said township, and deliver the same to said commissioners, within five days after receiving notice to draw off the same.

Tax to be levied.

SECTION 4. The commissioners shall lay such tax on the property so assessed, as they may deem necessary for road and bridge purposes for the current year, not exceeding one half cent in every dollar of valuation so made; but if the same shall be expended, and unavoidable repairs be required, the commissioners may raise an additional sum for that purpose, not exceeding one per cent. in any one year in the whole; and if the commissioners find it necessary, they may each year collect a part of the tax, not exceeding twenty per cent. in money, to defray the expenses of said roads or bridges, and also for laying out roads in said townships: *Provided*, That no money tax shall be collected the first year after the first election of road commissioners under the provisions of this act.

Divide township into districts.

SECTION 5. The commissioners shall, before the first day of April, in each year, divide the township into not less than three nor more than six districts, each district to contain the same number of miles of road, or as near as may be, according to the judgment of said commissioners, without a survey, and appoint one citizen of each district as road master, and furnish him with the boundaries of the district, a list of the taxables therein, together with the amount of tax to be paid by each; also the amount to be paid in cash by each taxable, of which amount notice shall be given to the taxable by the road master, when he first notifies the person of the time and place he intends to work; and if the person so taxed and notified, on or before the second Tuesday of October, in each year, fail to work out his tax and produce to the road master a receipt from the township treasurer, for the payment of his cash tax, the road master shall, on or before the third Tuesday of October, make out a list of such delinquents, and place it in the hands of one of the road commissioners, who shall call a meeting of at least a majority of the board, who shall, on or before the first of November, issue their warrant as provided for in the sixth section of this act: *Provided, however*, The road master may retain in the hands, of four taxables in his district, four dollars, to be used at the direction of the road master in repairing of or removing obstructions in the roads, after the first of September, and before the road master settles his accounts.

Delinquents.

Proviso.

Duty of road master.

SECTION 6. And the road master shall notify each person named in his duplicate, of the time and place he intends to work on said roads; and if the person so notified neglects or refuses to work as directed,

such delinquent shall be returned by the road master forthwith to the commissioners; and in case any road master shall refuse to act or to perform the duties enjoined upon him, he shall pay a fine not exceeding five dollars, to be collected before a justice, as other sums of like amount, and the commissioners shall appoint another to serve in his place. Penalty.

SECTION 7. The commissioners are hereby authorized to issue their Warrant to constables warrants to the constable of the township, for the collection of any money that may be due from resident taxables, returnable in twenty days to the treasurer of the township; and the constable is hereby required to execute the same, under the same regulations, and in the same manner, and for like fees, as the said constable now do perform and have in case of executions.

SECTION 8. It shall be the duty of the commissioners to take charge of all the roads and bridges in the county, except county bridges, and to lay out and alter the same at the request, in writing, of not less than fifty citizens of said township, if the commissioners deem it necessary; and if necessary, said commissioners shall employ an artist to measure, grade, and make drafts of such roads, who shall receive one dollar and fifty cents per day, necessarily employed in measuring, grading, and drafting, to be paid on orders drawn by the road commissioners on the treasurer of the proper township; and they shall furnish the township clerk with a return of all such roads laid out or altered, in the same manner as viewers now make report to the court of quarter sessions; and said clerk shall keep a record of all roads so laid out or altered, and return the same, every court, to the clerk of the quarter sessions, who shall record the same, in the same manner as reports of views are now recorded; and the said township clerk shall receive one dollar for every such return. When any road is wanting, which shall pass out of any township into another township, the same shall be laid out and agreed upon by a majority of the commissioners of the townships through which said road pass; and in all cases the roads shall be laid out so as to do as little injury as possible to private property; and the departure from a horizontal line shall, at no point, exceed five degrees, except where by moderate filling or bridging, the declination may be preserved within that limit. Duty of commissioners in relation to roads and bridges.

SECTION 9. The said commissioners shall, in the month of December of each year, make out a list of all unseated lands in each township on which the road tax of the current year remains unpaid; and one of said commissioners shall, in said month of December, make return of said unseated lands to the commissioners of the county, and certify the same; and the same proceedings shall be had for collecting the tax on said lands as are now had where the returns are made by the supervisors. Annual list of unseated lands to be made.

SECTION 10. All moneys raised in said townships, by tax or otherwise, for road purposes, shall be collected and paid to the treasurer of the proper township; and whenever there is money, either in the township or county treasury for the purpose, public notice shall be given by the said road commissioners, that contracts will be let out at a certain time and place to be mentioned, to build any bridge according to a specified plan, or furnish index boards as may be necessary; and at the time and place mentioned, the same shall be put up at public vendue or outcry, and let to the lowest bidder; and when the same is fully completed, according to the proposed plan, the same shall be paid for by orders drawn by two or more of the commissioners, on the treasurer. Moneys to be paid to treasurer. Contracts, how let.

SECTION 11. The said commissioners and treasurer shall annually settle their accounts with the auditors of the township, as supervisors

now do under existing laws; and the office of supervisor, in the county aforesaid, is hereby abolished.

Compensation of commissioners.

Expenses, how paid.

SECTION 12. The compensation of said road commissioners shall not exceed one dollar per day; and the said commissioners shall not be paid for more than five days in each year, except for viewing and locating roads, for which service they shall receive one dollar per day, for each day necessarily employed at the same. The expense of all reviews of roads shall be paid by the persons petitioning for the same, except when the object is to avoid a declination exceeding five degrees; and whenever persons petitioning for any review, become liable for the cost of the same, which will be as soon as report of said review is made to the township clerk, it shall be lawful for the road commissioners to collect the same as other debts are collected; and the road masters of the several districts shall be allowed the same daily pay, as is allowed to those who work out their tax; and the assessor shall be allowed and paid one dollar for making out the duplicate, certifying and delivering the same to the road commissioners; which duties the said assessors are hereby required to perform; and on failure to perform the same within the time specified in the third section of this act, shall be liable to a fine of ten dollars, to be collected as other fines are collected.

Duty of road masters.

SECTION 13. The said road masters are hereby required to have the tax, in their respective districts, worked out as soon as may be after they receive their duplicates from the commissioners, and not later than the first of September, except as provided for in the fifth section of this act; and they shall annually, in the month of February of each year, meet with the said commissioners, at a time and place to be fixed upon by said commissioners, and settle their respective accounts; and any failure on the part of said road masters to settle, or to work out their taxes as above stated, shall subject those neglecting to a fine of twenty dollars, to be recovered as other fines of equal amount are by law recoverable, before a justice of the peace, at the suit of the proper treasurer of the township, on complaint made by the commissioners to said treasurer.

Exonerations.

SECTION 14. It shall be the duty of the road commissioners, and of all collectors of any other taxes whatsoever, to make return to the county commissioners of any exonerations claimed by them, on or before the thirty-first day of December, in each year; and it shall not be lawful for said county commissioners to grant any exonerations after that time, nor for the county treasurer to sell any unseated lands for any taxes, which have not been so returned and exonerated as aforesaid.

Grievances, how remedied.

SECTION 15. Whenever any person is aggrieved by reason of any new road being laid out or altered by the commissioners, the person so aggrieved may make complaint to the justices of the peace in said township, or to any two justices near convenient to the commissioners, who shall send a notice to them, to meet at a place and time mentioned in said notice; and said justices shall hear the complaint, and the proofs and allegations of the parties, and decide as to them shall seem just and right, saving to either party who is dissatisfied with such decision, the right of appeal to the next court of quarter sessions, in the same manner as is now allowed to the overseers of the poor; the cost to be paid by the complainant or the township, as the case may finally result, and to be taxed as costs for similar services are now allowed by law.

Elect township treasurers.

SECTION 16. It shall be the duty of the citizens of the several townships in the said county of Armstrong, at the same time and place at which they elect road commissioners, to elect one person as township

treasurer for each township, who shall serve for three years, and until another is duly elected and constituted; and shall, before entering on discharge of the duties of said office of treasurer, give bond with security, to be approved by the road commissioners, in a sum double the amount that is likely to come into his hands, with a power of attorney to confess judgment thereon for the faithful discharge of his duties, said bond to be deposited with one of the justices of the peace of said township; and the said road commissioners shall, when they deem it necessary for the safety of the funds in the treasurer's hands, have judgment thereon entered on the common pleas docket of said county of Armstrong; and on settlement of the accounts of the treasurer by the township auditors, in each year, he shall receive five per cent. on all moneys received and paid out by him, on orders of said commissioners, or a majority of them, as a full compensation for his services. Security. Per cent.

SECTION 17. The existing road laws, so far as they are supplied or altered by this act, are hereby repealed in the aforesaid county of Armstrong; and this act shall take effect from the twenty-eighth day of February next, Anno Domini, one thousand eight hundred and forty-seven. Repeal. When act to take effect.

SECTION 18. It shall and may be lawful for the commissioners of Armstrong county, if they deem it expedient, to appropriate a sum of money, not exceeding one hundred dollars, out of the county funds, for the purpose of aiding in the erection of a bridge over Plumb creek, at the place where the turnpike road from Kittanning to Indiana crosses said creek. County com. to aid in erection of a bridge over Plumb creek.

SECTION 19. It shall and may be lawful for the Armstrong and Clearfield turnpike road company, to collect tolls on that part of their road which lies between Kittanning and Smicksburg; and any person traveling on said road and refusing to pay toll, shall forfeit and pay a fine of five dollars, to be collected as other fines are collected at the instance of the toll collectors, respectively: *Provided however,* That the road shall be repaired with the first tolls collected, and kept in good passable order; and the time for the completion of said road is hereby extended for ten years, from the passage of this act. Armstrong and Clearfield turnpike co., to take tolls. Proviso. Time for completion extended.

SECTION 20. That from and after the passage of this act, it shall be the duty of the supervisors of the several townships of the county of Mercer, to apportion the public roads in their respective townships, in such a manner as to assign to each sub-school district, a fair proportion of the public roads for to be repaired according to the amount of road tax assessed in their respective sub-school districts, of those roads most convenient thereto. Supervisors in Mercer county to apportion roads among sub-school districts.

SECTION 21. That the road commissioners in the different townships of Crawford county, shall not hereafter collect more than ten per cent. in any one year, in money, on the road tax so laid by them; and said money shall be collected by the several path masters in each of their several districts, under a warrant issued by said road commissioners, which warrant shall state the amount which said commissioners have decided to raise in money; and the said path masters shall proceed in the same manner as collectors of county taxes, and have like powers and compensation, and return the same to the township treasurer within three months after the date of such warrant. Road commissioners in Crawford county, limited in the collection of road taxes.

SECTION 22. That the qualified citizens of the several townships in Crawford county, shall, at the election for township officers, elect by ballot, one person for path master in each district in the said townships, which election shall commence at three o'clock, P. M., of said day, and be conducted by two of the road commissioners of said townships, without fees; and the path masters so elected shall hold their Citizens of Crawford county, to elect path masters.

office for one year; and the said road commissioners shall enter the result of said election in their book of records.

Vacancies, how supplied.

SECTION 23. That if any district shall fail or neglect to elect a path master as aforesaid, or if any vacancy shall occur from any other cause, the said commissioners shall fill such vacancy by appointment, until the next election.

Damages, how assessed and paid.

SECTION 24. That if any person or persons shall hereafter claim damages, on account of any road being laid out by said commissioners through the improvements of said person, or by reason of materials taken by direction of said commissioners, to repair or make any road or bridge, such person or persons shall apply to the said commissioners for redress; and if the said commissioners and the auditors of the township, or a majority of them, shall, after viewing the premises, be of opinion that such person or persons are justly entitled to damage, they shall fix the amount or sum such person or persons are entitled to receive; and if the applicant is satisfied to accept the amount, then the said commissioners shall draw an order on the treasurer of the township for such amount, and present it to said applicant, in full of such damage; but if such person or persons shall not be satisfied with the amount fixed, they may enter complaint before a justice of the peace, as is hereafter provided in cases of confirming or rejecting roads; and the justice shall proceed in like manner, as is provided hereafter in confirming or rejecting roads, and that decision shall be final and conclusive.

How views are to be obtained.

SECTION 25. That the road commissioners shall not be required to view any route of a proposed road, unless the petition praying for the same be signed by at least twelve citizens of the township, where said proposed route for a road is located.

Proceedings in case of complaint.

SECTION 26. That if any person or persons shall feel aggrieved on account of any new road being laid out by said road commissioners, or on account of the alteration of any old road by the same, such person may apply to a justice of the peace of said township, or to a justice of an adjoining township or borough, and make his or their complaint; and if the said justice shall be of the opinion that there is good cause of complaint, he shall issue a summons, directed to any constable, to summon the said road commissioners to appear before him, at a time fixed in the said summons, not more than eight nor less than four days after the date of said summons.

Proceedings to be had before justice of the peace.

SECTION 27. That the said justice shall, at the same time of issuing the summons, as directed by the twenty-sixth section of this act, issue a notice to six reputable citizens, to appear at his office, at the same time the summons is made returnable; and when the six citizens have appeared, shall administer an oath or affirmation to them, to well and truly try all matters in regard to the location of the said road, or the establishing of the same; the said justice shall preside, and decide the questions of law that may arise in the trial of the case; and after a full hearing of the case, the six men so chosen as a jury, shall determine whether such road so laid out by said commissioners, shall be confirmed or not; the said justice always giving the casting vote, in case of an equal division by the jury, and the decision so made by a majority of said justice and jury, shall be final and conclusive, in regard to said road, for two years thereafter: *Provided*, That the road commissioners may reject any four of the six men chosen by said justice, on the ground of interest, or other cause, and substitute others in their place, who shall be sworn or affirmed, and subject to the same regulations as the first chosen.

Proviso.

SECTION 28. That the said justice and constable shall be entitled to Justice, constable the same fees that are now allowed by law, for similar services ; and and citizens' pay. the six men chosen by the said justice, as a jury, shall each be allowed seventy-five cents per day for every day necessarily spent in such trial ; but before any suit shall be brought under this act, the person or persons making such complaint, if they shall not be good responsible freeholders, shall enter good and sufficient bail for all costs that may accrue on the trial of the case, which bail so entered, shall be holden absolute for the payment of all costs, as aforesaid, should judgment be rendered against said complainant, on the trial of such case.

SECTION 29. That the six men chosen as a jury by the said justice, shall meet, as required by said justice, or pay the sum of two dollars each, to be recovered at the suit of the complainant in the case, as debts of like amount are recoverable, and collected by law, unless such juror shall be detained in consequence of the sickness of himself or family, or some other unavoidable cause, which shall be adjudged by the justice before whom suit is brought, to be sufficient to excuse said juror ; and the justice before whom suit is brought, for the trial of the case by jury, as named in the twenty-seventh section of this act, shall have power to fill any vacancy that may occur by the non-attendance of any such juror, by appointment of some other person at the time, and on the day of such trial ; and any such person so appointed shall be liable to the same penalty, as though he had been originally appointed. *Penalty for not attending as a juror.* Vacancies, how supplied.

SECTION 30. That when the justice and jury shall hear and determine any suit under this act, the justice before whom the suit is brought, shall enter judgment for costs against the complainant if the said road is confirmed, and against the said road commissioners if the said road is condemned ; and when the justice enters judgment against the said commissioners, the said commissioners shall pay the same by an order on the treasurer of the township, which said order shall be paid by said treasurer out of any money that may be in the treasury of the township, and not otherwise appropriated ; but if judgment be entered by the said justice against the defendant, then execution shall issue as in other cases of debt before a justice of the peace ; and this same proceeding, in disposing of costs and damage, shall extend to any suit brought under this act. *Judgment to be entered, and proceedings thereon.*

SECTION 31. That the said road commissioners shall have power to lay an extra road tax in any district, when, in their opinion, the same is necessary, in order to keep the roads in good repair, or when any emergency occurs that may require the same ; but no extra tax shall be levied in any one district, by said commissioners, for the purpose of making or improving a road in any other district in said township ; nor shall any extra tax be laid, in any one district, when an extra tax has been laid on the township in the same year, by said road commissioners ; and not more than one extra tax shall be laid in any one year, nor shall such extra tax exceed six mills on every dollar of the valuation, in the township, for said year ; and so much of the act relating to roads in Crawford county, passed in eighteen hundred and forty-four and five, as is hereby altered or supplied, is and the same is hereby repealed. *Extra road tax may be laid.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.