

No. 245.

AN ACT

Reforming the road and bridge laws in the county of Butler.

To elect commissioners of roads annually. 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 Butler, shall, on the third Friday of March next, at their township election, elect three persons, who shall be styled commissioners of roads and bridges.

Elect township treasurer. SECTION 2. That said electors shall, at their said next March election, and tri-ennially thereafter, also elect one person to serve three years, as township treasurer, who shall give bond to the township, in such sum, and with such sureties as shall be approved by said road commissioners, and with a power of attorney to confess judgment, conditioned for the faithful discharge of his official duties, which bond may be entered whenever said commissioners shall deem such entry necessary for the security of the township; and each treasurer shall receive for his services, on the settlement of his account, five per cent. on all moneys by him received.

Meeting of commissioners. SECTION 3. That within ten days after said election, the persons elected commissioners shall meet at the office of the township clerk, or in his absence, at the office of a justice of the peace of the proper township, most convenient to the place of holding the election in the township, who shall proceed to class 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 of the peace shall have completed the classification, he shall perform an oath or affirmation to each of the 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 residue of the board, until the next election.

Classification. SECTION 4. That as soon as the commissioners are qualified, they shall request 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 the same valuation thereon as placed for county purposes; and the said assessor shall certify the same to be a true copy of the last assessment and valuation of said township, and deliver the same to said commissioners, within five days after the request made to draw off the same; and a failure to comply with such request, shall subject the assessor so failing, to a penalty of ten dollars, to be recovered by the township, as debts of a like amount are recoverable.

Oath. SECTION 5. That said 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

Annual election.

Duty of assessor.

Tax to be levied.

dollar of the 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-half per cent. in any one year, in the whole; and if after the first year, the commissioners shall find it necessary, they may each year collect a part of the tax, not exceeding fifteen per cent. in money, to defray the expenses of roads and bridges in said townships, and for the payment of other township expenses.

SECTION 6. That said commissioners shall, before the first day of April, in each year, divide their respective townships 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 shall appoint one citizen of each such district as road master thereof, and furnish him with the boundaries of the district, and 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 each taxable by the road master, when he first notified the person of the time and place he intends to work, which notice shall be given as early each year as practicable; and if the person so taxed and notified, shall fail to work out his tax before the first day of September, in each year, 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 tenth day of said month of September, 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 twentieth of September, issue their warrant, as provided for in the seventh 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 discretion of the road master, in repairing or removing obstructions in the roads, after the first of August, and before the road master settles his accounts.

To appoint a road master.

Duty of road master.

Proviso.

SECTION 7. That said commissioners are hereby authorized to issue their warrant to the constable of the township, for the collection of any tax that may be unpaid and due from resident taxables, returnable within twenty days, to the treasurer of the township; and such constable is hereby required to execute all such warrants, with the same power and authority, and under the same regulations, and in the same manner and for like fees, as the said constables now do perform, and have in cases of executions issued by justices of the peace; and on failure of any such constable to execute such warrant, in the manner herein directed, such constable may be proceeded against before a justice of the peace, by *scire facias*, as in cases of said executions from justices of the peace, or by action on the case, or suit upon his bond, at the discretion of said treasurer.

Issue warrants.

Duty of constable.

Penalty.

SECTION 8. That it shall be the duty of the commissioners to take charge of all the roads and bridges in their respective townships, and to lay out, locate and alter the same, at the request, in writing, of the citizens of the proper township, if the commissioners deem it necessary; and they shall furnish the township clerk with a return of all the 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 when any road is necessary, which shall pass out of any township into one or more other townships, the same shall be laid out and agreed upon

Power of commissioners to lay out and alter roads.

by a majority of the commissioners of the townships through which said road is to pass; and in all cases the roads shall be laid out so as to do as little injury as possible to private property.

Proceedings to be had, relative to the assessment of damages.

SECTION 9. That said commissioners of each township shall, at the time of the location of any road, or making a change in any road located, assess any damages, which such location or change may cause to the owner of any lands, where releases for claims for such damages cannot be procured; said damages to be paid by the proper township where the same may be sustained, on warrants of said commissioners on the treasurer thereof; and if any owner of lands shall be dissatisfied with the assessment of said commissioners, he may make complaint to the justices of the peace of said proper township, who shall notify said commissioners to meet before said justices and said complainant, at a time and place to be mentioned in said notice, when or as soon thereafter as practicable; if an adjournment be deemed necessary, said justices shall hear the parties, their proofs and allegations, and decide and give judgment, to be entered on one of their dockets, as to them shall seem just and right, from which decision either party may appeal by petition, to the next court of quarter sessions of said county, whose decision in the matter shall be made within six months thereafter, and shall be final and conclusive; and all costs shall be paid by the complainant or the township, as said justices or said court, as the case may be, may direct, and shall be the same as are allowed by law for similar services, before justices of the peace or in said court.

List of unseated lands to be made out.

SECTION 10. That said commissioners shall, in the month of November of each year, make out a list of all unseated lands in each township, on which the road tax of the current year shall then remain unpaid, and make return thereof to the commissioners of said county, duly certified under their hands, 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.

Treasury.

SECTION 11. That all moneys raised in said township, by tax or otherwise, for road purposes, shall be collected and paid to the treasurer of the proper township; and whenever there is money in the township treasury for the purpose, public notice shall be given by the said road commissioners, that contracts will be made at a certain time and place to be mentioned, to do work, or to build any bridge according to a specified plan, or to furnish index boards; and at the time and place mentioned, the same shall be put up in a public manner, by outcry, and be given out to the lowest bidder, who shall give such security as said commissioners may require, to secure a faithful performance of the contract; and when the same is fully completed according to the proposed plan and contract, the same shall be paid for by orders drawn by said commissioners on the said treasurer.

Contracts to be let to lowest bidder.

Annual settlement of accounts.

SECTION 12. That said commissioners and treasurer shall annually, in the month of January, settle their accounts with the auditors of the township, as supervisors now do under existing laws; and said commissioners may be separately proceeded against for any failure to perform their duties, in the manner directed by law, with respect to supervisors, whose office is hereby abolished.

Commissioners' compensation.

SECTION 13. The compensation of said road commissioners shall not exceed one dollar per day, and said commissioners shall not be paid for more than five days in each year, except for viewing and locating roads; for which service each of them shall receive one dollar for each day necessarily spent at the same, which shall be paid in all cases by the petitioners, as soon as the report of such review and location may be made to the township clerk, and shall be collected by said com-

By whom paid.

missioners from all or any of said petitioners, as other debts are by law recoverable; and the road masters shall each be allowed the same daily pay as is allowed to those who work out their taxes, which shall be seventy-five cents per day; and the assessor shall be paid one dollar Daily pay. for making out the duplicate, certifying and delivering the same to the road commissioners.

SECTION 14. That said road masters are hereby required to use their best exertions to have the tax on 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 sixth section of this act; and they shall annually, in the month of January 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 have worked out their taxes, as above stated, shall subject those so 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. That hereafter all county bridges in said county shall be repaired and kept in repair by the respective townships and boroughs in which the same are located; and in case any such bridge shall lie partly in two townships or boroughs, the same shall be repaired and kept in repair, jointly by the townships or boroughs in which such bridge may thus lie. Duty of road masters.
Repair of county bridges.

SECTION 15. That the court of quarter sessions of said county may, at any time, on reasonable cause being shown by petition, appoint three reputable citizens, not residents of the township or borough where the bridge is located, to view any county bridge which may be represented as being too much decayed and dilapidated to be repaired, and too burdensome and expensive to be rebuilt by the township or townships, borough or boroughs in which the same may lie; and if said viewers shall, after careful examination and consideration, report under oath or affirmation to said court, that the facts contained in said petition are true, the said court shall lay the same before the grand jury of said county; and if the same shall be approved by said grand jury, and by said court, then the said county commissioners shall proceed with as little delay as possible, and in all respects proceed in relation to the same as is directed by law, as to building county bridges; and the said viewers shall be paid by the petitioners making application for the view of any such bridge. Court of quarter sessions, to appoint viewers to view bridges.
Approval.
Duty of county commissioners.

SECTION 16. That this act shall take effect from the tenth day of March next, except the two preceding sections thereof, which shall take effect from the second Monday of June next; and the existing road and bridge laws, so far as they are hereby altered or supplied, are hereby repealed. When this act shall take effect.
Repeal.

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

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

FRS. R. SHUNK.