

county of Dauphin, amounting to the sum of sixty-four dollars and fifty cents, as allowed by the disbursing officers, and filed in the auditor general's office, for services rendered as assistant commissary during the disturbances in the borough of Harrisburg, in the winter of the year eighteen hundred and thirty-eight, in providing for the troops, both before and after their arrival in Harrisburg, and assisting the disbursing officers in the settlement of their accounts, and if found to be correct and not paid, to draw his warrant on the state treasurer for the payment of the same: *Provided*, That the sureties of Thomas B. Town have *Proviso*. paid into the treasury, or secured to the commonwealth, the amount for which said Thomas B. Town was a defaulter.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 92.

AN ACT

Authorizing the burgess and town council of Troy borough, to lay out and open streets, roads, lanes and alleys in said borough, and relating to a state road in Allegheny and Washington counties.

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 Power of council the burgess and town council of the borough of Troy, in the county of to open streets, Bradford; shall have full power and authority, and they are hereby en-
joined and required, to lay out and open such additional streets, roads, lanes and alleys within said borough, as they shall from time to time deem necessary, for the convenience and accommodation of the inhabitants of said borough; it shall be the duty of said burgess and town council, within ten days after having laid out any street, road, lane or alley, and before the same shall be opened, to make, or cause to be made, a correct draft or plan thereof, and return such draft or plan to the office of the town clerk of said borough; and it shall be the duty of said clerk to receive, file and safely keep said draft or plan in his office, for public inspection and examination.

SECTION 2. Any person or persons dissatisfied with the location of any street, road, lane or alley, by the burgess and town council as aforesaid, may, within twenty days after the filing of the draft or plan, and not afterwards, give notice in writing to the town clerk of said borough, of such dissatisfaction; and said clerk shall appoint a day, not more than eight days distant from the time of receiving such notice, for the meeting of said burgess and town council, and person or persons giving such notice, at the office of said town clerk, or at some other convenient place within said borough, of which meeting the said burgess

Proceedings in
case of dissatis-
faction.

and town council, or either of them, and the person or persons giving the notice, shall be informed by the town clerk at least four days before the time of meeting, at which time and place said town clerk shall attend. It shall be the duty of said burgess and town council, or one of them, to attend said meeting at the time appointed for said meeting, or as soon thereafter as shall be expedient; the parties shall proceed to select three commissioners, to whom the matters in dispute shall be submitted. The manner of selecting said commissioners shall be as follows: the burgess, or either member of the town council, may name one disinterested person, not a citizen of said borough; the person or persons dissatisfied may name one other disinterested person, not a citizen of said borough; the burgess, or either member of the town council, and the person or persons dissatisfied as aforesaid, may mutually agree upon the third person; in case the parties shall be unable to agree upon such third person, the town clerk shall appoint a disinterested person, not a citizen of said borough, to act as such third person; the persons thus chosen or appointed commissioners, shall proceed with as little delay as possible, to review the street, road, lane or alley, the location of which is complained of, and may confirm, alter or vacate the same; said commissioners shall, within six days after this review shall have been completed, make a full report of their proceedings, in writing, to town clerk of said borough, and it shall be the duty of said clerk to file and safely keep said report in his office, for public inspection and examination; said report shall be final and conclusive in regard to said street, road, lane or alley, for the period of one year thereafter; the compensation to be allowed to commissioners shall be one dollar each, per day.

Compensation.

SECTION 3. If the location of said street, road, lane or alley, or the part thereof complained of, is vacated by said commissioners, their day wages shall be paid by said borough; and if the location of said street, road, lane or alley is confirmed by said commissioners, their day wages shall be paid by the person or persons who gave notice of dissatisfaction, who shall be individually or jointly liable to each commissioner, individually, for such day wages; in either case such day wages to be collected as debts of like amount are by law collectable.

Damages to be ascertained and paid.

SECTION 4. The damages sustained by the owner or occupier of any land, by reason of the opening of any street, road, lane or alley in said borough, shall be paid by said borough; the manner of ascertaining said damages shall be as follows: The owner or occupier of lands who may consider him or herself injured by the opening of any street, road, lane or alley, shall file, with the town clerk of said borough, a statement of the injury sustained, and of his or her intention to claim damages for the same; which statement, and all subsequent proceedings therein by the officers of said borough, shall be entered by said clerk upon the borough records. It shall be the duty of said clerk, within six days after receiving such statement, to notify the burgess, or either member of the town council of the same; said burgess and town council shall, within ten days after receiving such notice, examine into said claim, and if in their opinion, or in the opinion of a majority of them, such person hath sustained damage by reason of the opening of said street, road, lane or alley, they shall fix the amount, and give the applicant notice thereof, in writing; if the person so applying for redress shall be content to receive said amount as a full compensation for the damages complained of, he shall give notice, in writing, of such willingness to the burgess and town council, whereupon said burgess shall draw his order on the treasurer of the borough, in favor of said applicant, for said amount; but in case said burgess and town council,

or a majority of them, shall be of opinion that said applicant is not entitled to damages, or if said applicant shall not be willing to receive the amount fixed by said burgess and town council, in full of his claim, said applicant may apply, by petition, to the court of quarter sessions of the county of Bradford, setting forth the cause of complaint; thereupon said court shall appoint three disinterested persons to view the premises and assess the damages, if any, which such petitioner may have sustained by reason of the opening of said street, road, lane or alley, through his lands.

SECTION 5. The viewers so appointed, after being duly sworn by Viewers to be any person having power to administer oaths, or by one of their own sworn. number, who is hereby authorized to administer the same, well and truly to view said premises, and justly to assess the damages, shall proceed to perform said duty, and make report thereof, signed by them, or a majority of them, to the next court of quarter sessions of said county, setting the length, breadth and manner of the location of said street, road, lane or alley, through the petitioner's land, and the amount of damages, if any, which said petitioner hath sustained.

SECTION 6. It shall be the duty of said court, at the term to which Powers of court. the report aforesaid is made, to make an order, naming a day certain, during the succeeding term of said court, for the final hearing and disposition of said complaint, notice of which, together with a copy of the report of the reviewers aforesaid, shall be served upon the burgess and town council, or either one of them, at least ten days before the day fixed for the hearing by said court.

SECTION 7. At the time of hearing said parties, said court may, as it Court may examine witnesses. shall deem proper, examine witness touching said matter, and may either approve of the report of said viewers, or lessen or increase the amount, as it shall deem just; the whole proceedings to be entered of record, and the judgment of the court to have the same validity, and to be enforced in the same manner as a judgment entered upon the verdict of a jury: *Provided*, That if the petitioner shall not receive an amount Proviso. greater than the sum offered by the burgess and town council, he shall pay all costs accruing on said petition, including the pay of the viewers, which shall be one dollar each per day; if the amount awarded said petitioner by said court, shall exceed the amount offered by said burgess and town council, all costs as aforesaid, shall be paid by said borough; the costs in either case to be the same as are fixed by law for similar services.

SECTION 8. That so much of the act, entitled "An Act authorizing Time of commissioners of May's a state road from the road which leads from Mount Pleasant to the Washington and Pittsburg turnpike road, at a point at or near Alexander and Coulter's May's saw mill, in Washington county, to intersect a road leading to Mill state road, Pittsburg, at G. F. Coulter's mill, in Allegheny county," approved the for filing draft, extended. eleventh day of March, one thousand eight hundred and forty-seven, as requires the commissioners therein named to make out and deposit drafts in the office of the secretary of the commonwealth, and in the office of the clerks of the respective counties through which the road passes, before the first Tuesday of January, one thousand eight hundred and forty-eight, is hereby extended to the first day of April, one thousand eight hundred and forty-eight.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.