

No. 173.

AN ACT

To amend the Road Laws, and change the manner of Assessing Damages in the opening of Public and Private Roads in the county of Franklin.

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 number of road and bridge viewers appointed by the court of quarter sessions of the county of Franklin shall be three; every view, review, and re-review shall be made by the whole number of persons so appointed, a majority of whom shall concur in their report, in order to its confirmation by the court; the provisions of this section shall include viewers appointed to inspect bridges under the thirty-ninth section of the general road law of eighteen hundred and thirty-six.

Number of road
and bridge view-
ers.

Notice to be given

SECTION 2. That in all cases of the appointment of viewers in the said county to view the site of a bridge, or to view and locate, vacate, or change and supply any public or private road, or to review or re-review the same, the said viewers, reviewers, or re-reviewers, or one of them shall, before proceeding to view, give public notice by three or more advertisements, put up at least five days before the time of meeting in the most public places in the vicinity of the place to be viewed, of the time and place they will meet for the purpose of making such view.

Releases to be
procured.

SECTION 3. That if the viewers aforesaid shall fix upon the location of a bridge or of a public road, or shall vacate and supply, or change the location of any public road, it shall be the duty of the said viewers to endeavor to procure from the persons through whose lands such location or re-location may be made, releases from all claims of damages that might arise from opening the road; which releases shall be good, if in writing only, though not under seal; in every such case where the said viewers shall fail to procure such releases, and it shall appear to them that any damage will be sustained, it shall be their duty to assess the damages and make report thereof, signed by a majority of their number, and return the same, together with all releases obtained, to the proper court of quarter sessions: *Provided*, That any person affected by such report shall be entitled to a review of his damages, upon presenting a petition therefor not later than the third day of the next stated term after the term to which the report is returnable; but when there is more than one petition presented, founded on the same report of viewers, or where a review or a re-review of the road is granted at the same term, the court may appoint the reviewers or re-reviewers on all the petitions, and direct one order only to be issued for the review or re-review of the road, and the assessment of the damages in all the cases.

Proviso.

Damages.

SECTION 4. That it shall be the duty of the said court to examine carefully, the amount of damages assessed as aforesaid, and if the court shall be satisfied that the amount of damages assessed in any case, is so small that the public interest will be subserved by its payment and the opening of the road, they

shall confirm such view, review or re-review, and the assessment of damages, which shall be paid as directed by law; but if the said court shall not be so satisfied, the said report shall not be confirmed, unless the damages shall be first paid by the petitioners, or other persons interested.

SECTION 5. That when the viewers appointed shall decide in favor of locating or re-locating a private road, they shall view and assess the damages, if any, and make report thereof, and the proceedings thereupon to review or re-review the damages, shall be as hereinbefore provided in cases of public roads. Report of damages.

SECTION 6. That all provisions of the general road laws, or any other act of Assembly inconsistent herewith, are hereby repealed, so far as regards the county of Franklin: *Provided*, That all proceedings under former laws now pending, shall be prosecuted to a final completion or determination under the same laws and under this act, so far as the same is applicable, as fully as though they were not supplied or repealed. Repeal. Provide.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The twenty-third day of March, A. D., one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 174.

AN ACT

Authorizing the vacation of an alley in the city of Allegheny.

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 select and common councils of the city of Allegheny be and they are hereby empowered to vacate the ten feet alley running from Washington street, one hundred and fifty feet, more or less, to Liberty street, in the fourth ward of the city aforesaid, being the same piece of ground which Alexander Postly, William S. Bissell and others, sold and conveyed to said city to be used and kept for a public alley.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The twenty-third day of March, one thousand eight hundred and fifty-four.

WM. BIGLER.