

CHAPTER MMCCCLIV.

AN ACT FOR ESTABLISHING AND CONFIRMING THE PLACES FOR HOLDING THE COURTS OF JUSTICE, AND FOR ERECTING THE PUBLIC BUILDINGS FOR THE COUNTY OF MERCER.

Whereas in pursuance of an act passed the sixth of April, one thousand eight hundred and two,⁽¹⁾ entitled "An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer," it appears that the governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Carr Lane, esquires, commissioners to perform the duties enjoined and required by said act. And whereas, by the report of said commissioners deposited by them in the office of the secretary of the commonwealth, and before the general assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act. In order, therefore, to complete and secure to the people of the said county of Mercer the benefits intended in and by the act aforesaid:

Section I. (Section I, P. L.) 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 William M'Mullin, John Findly, and William Mortimore, be, and they are hereby appointed trustees for the county of Mercer; and the said trustees or a majority of them, are hereby authorized and required to survey or cause to be surveyed, two hundred acres of land, situate on the west side of Otter creek, being the same tract or tracts of land on which John Garver, and a part of the tract on which John Pugh has been settled by John Hoge, particularly described and set forth in the report of the commissioners, under the act, entitled "An act to establish the place for holding the courts of justice in the counties of Armstrong, Butler and Mercer⁽¹⁾," and given and granted under an obligation made and executed by John Hoge

to the governor, in trust and to the use of said county of Mercer; and the said trustees or a majority of them, are hereby authorized and required to lay out a convenient lot or lots of land, within the aforesaid two hundred acres, not exceeding five acres, whereon the public buildings for the use of the county of Mercer shall be erected; and the said lot or lots being so laid out the surplus of the said two hundred acres shall be laid out into town lots and out lots, in such manner, and with such streets, not more than one hundred nor less than sixty feet wide, and such lanes and alleys for public uses as the said trustees shall direct; provided not more than eighty square perches, nor less than forty square perches shall be contained in any town lot, nor more than five acres in any out lot; and the said town being so surveyed and laid out, shall be called Mercer, and the streets, lanes and alleys so laid out shall be and remain common highways forever.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said trustees, to sell by public auction the said town lots and out lots, at such time as they may judge most advantageous to the county, which sale shall be held at the house of John Pugh in the said county; previous to which the said trustees shall advertise the same, three times at least in one or more of the newspapers printed in Pittsburgh, Greensburg, Lancaster and Philadelphia, three months before the day appointed for such sale, and before the advertisements are published as aforesaid, transmit a map or draught of the town lots and out lots to the secretary of the commonwealth, to be deposited in his office; and with the money arising from the sale of the town lots and out lots aforesaid, the trustees shall proceed to erect a court house, jail, and other necessary public buildings for the use of the county of Mercer. Provided, that before said trustees enter on the duties herein enjoined and required of them, they shall demand and receive sufficient deeds, in fee simple, from the aforesaid John Hoge of the above described two hundred acres of land, in trust for the use of the said county of Mercer, agreeably to the

grant of the same heretofore made to the governor by the said John Hoge, and shall procure the same to be recorded in the office for recording of deeds, for Crawford county; and when the said titles shall be so completed, it shall be the duty of the said trustees, and they are hereby authorized and required, to make out and grant sufficient deeds, in fee simple, for the town lots and out lots by them sold in pursuance of this act.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall within two years after the court of quarter sessions of the peace, and board of commissioners shall have been established and opened by law, in and for the said county of Mercer, surrender and convey to the said commissioners, and their successors in office, in trust for the use of said county, all the trust and trusts vested in them, or a majority of them, by this act; and the said commissioners are hereby empowered and required to do and perform all the duties required by this act, and whatever the said trustees may have omitted to do and perform.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall each of them receive one dollar and thirty-three cents for every day they or either of them shall be necessarily employed in performing the duties of the aforesaid trust, which together with all expenses incurred or assistance in laying out lots, streets and alleys, shall be paid by the treasurer of the county of Crawford, by order of the commissioners, out of the county taxes levied and collected within the said county of Mercer.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall as soon as may be, file a return and draft of the survey and their proceedings under and by virtue of this act, in the office of the recorder of deeds in and for the county of Crawford, or in the said office for the county of Mercer, if such office be then and there established by law.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of an act, entitled

“An act to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties,” passed the twelfth day of March, one thousand eight hundred,⁽²⁾ as authorizes the commissioners therein named, to be trustees for the said county of Mercer, be, and the same is hereby repealed and made void.

Approved March 24, 1803. Recorded L. B. No. 9, p. 23.

Note (¹). Chapter 2296; *Supra*, this volume, p. 146.

Note (²). Chapter 2130; 16 *Statutes at Large*, p. 454.

CHAPTER MMCCCLV.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD FROM THE RISING SUN TAVERN, THROUGH SHOEMAKERSTOWN, TO THE RED LION ON THE OLD YORK ROAD.

Section I. (Section I, P. L.) 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 Robert Lollar, Joshua Tyson, John Shoemaker, junior, John Barclay, John Inskeep, John Hart, (druggist) George Rex, Daniel deBeneville and Richard T. Leech, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: “We whose names are hereto subscribed, do promise to pay to the president, managers and company of the Cheltenham and Willow Grove turnpike road, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled “An act to enable the governor of this commonwealth to incorporate a company for making an artificial road from the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road,” witness our hands, the day of , in the year of our Lord, one thousand eight hundred and three;” and shall give