

## No. 136.

## AN ACT

Authorising certain commissioners to view and lay out certain state roads.

**SECT. 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 Robert Falconer, John Andrews and Lansing Witmore, of Warren county, and Enos Gillis and Reuben A. Aylesworth, of Jefferson county, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, to meet at Warren, in Warren county, on or before the first day of May next, or as soon thereafter as practicable, and having been duly sworn or affirmed before some justice of the peace, to perform the duties imposed upon them by this act with impartiality and fidelity, they shall proceed to lay out by courses and distances a state road through the counties aforesaid, beginning at Warren, in the county of Warren, thence by the nearest and best route to the Milesburg and Smethsport turnpike road, to intersect the same at or near Ridgway's settlement in Jefferson county; that the said road shall be laid out as near to a straight line as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed four degrees: *Further,* That the said commissioners shall make out a fair and accurate draft of said location, noting thereon the courses and distances, the improvements passed through, the crossing of county and township lines, and such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of each of the respective counties through which said road may pass, on or before the day aforesaid, which shall be a record thereof, and from thenceforth the said road shall be a public highway, to be opened and repaired as other roads are opened and repaired which are laid out by order of the courts aforesaid.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That for the purpose of fulfilling the duties by this act enjoined, the said commissioners are hereby authorised to employ one surveyor, whose compensation shall not exceed one dollar and fifty cents per day, and two chain

Commissioners appointed.

Place and time of meeting.

Oaths.

To lay out road from Warren to Ridgway's settlement.

Scale.

To make out drafts of location and deposit the same on 1st of Dec. next.

Assistants and their pay.

bearers and one axe man, at a per diem allowance not exceeding one dollar per day, and one packer and pack-horse if necessary, for which a reasonable allowance shall be made: *Further*. That the compensation of the said commissioners shall be one dollar and fifty cents each for every day they may be necessarily employed by virtue of this act, and the accounts of said commissioners shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurers thereof on warrants drawn in the usual way; that if a vacancy or vacancies should occur by resignation of the commissioners, or other cause, then the Governor is hereby authorised to fill said vacancy or vacancies by the appointment of some suitable person or persons.

Compensation of commissioners.

Accounts to be settled by respective county officers.

Governor to fill vacancies

SECT. 3. *And be it further enacted by the authority aforesaid*, That James M. Porter, of Northampton county, Samuel Hart, of Bucks county, and John H. Hill of Montgomery county, be and they are hereby appointed commissioners to view, lay out and mark a state road, leading from Easton, Northampton county, by the nearest and best route to Lumberville, in Bucks county, and thence the nearest and best route to the Cheltenham and Willowgrove turnpike road, at or near the village of Willowgrove in Montgomery county, in such a manner as to do the least injury to private property.

Commissioners named to lay out road from Easton to Willowgrove.

SECT. 4. *And be it further enacted by the authority aforesaid*, That George Mitchell, of Perry county, John Fisher and Jacob Freyer, of Union county, and Henry Gross, of Mifflin county, are hereby appointed commissioners to view, lay out and mark a state road from Liverpool, in Perry county, by way of Middleburg, Centreville and the bridge over Penns creek to the Centre turnpike, at or near Hartleton, in Union county, having respect to the best ground in such manner as to do the least injury to private property.

From Liverpool to Hartleton.

SECT. 5. *And be it further enacted by the authority aforesaid*, That James McFarrin of Washington county, and James Dungan and Joseph McFarrin of Beaver county, be and are hereby appointed commissioners, to view, lay out and mark, a state road beginning at Briceland cross roads in Washington county, in a direction to Cleveland, Ohio, to the Virginia state line, in Beaver county, at a point where the Virginia road leading in that direction intersects the same, having respect to the best ground for a road, and the shortest distance, in such manner as to do the least injury to private property.

From Briceland cross roads to a certain point on Virginia state line.

SECT. 6. *And be it further enacted by the authority aforesaid*, That Joseph Blackburn and John Ake, of Bedford county, and Joseph McCune, of Huntingdon county, be and

From Schellsburg to Bedford and Frankstown road.

they are hereby appointed commissioners to view, lay out and mark a state road, beginning at Schellsburg in Bedford county, by way of the Big Springs and across Bobbs creek, below the mill of John Ake the nearest and best route to intersect the great public road leading from Bedford to Frankstown, having respect to the best ground for a road, in such manner as to do the least injury to private property.

Oaths and general duties of commissioners.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of said commissioners respectively, or a majority of them, after taking an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the said road may pass, and to lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging the declination of the said roads may be preserved within that limit.

Commissioners to take all matters into view in making location.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners respectively, or a majority of them, in choosing ground, to have due regard to the crossing of waters, to the declination and nature of the ground, to the expense upon the townships, to damage to private property, and to all other circumstances affecting the route, so that by a judicious and skillful combination of them the route finally adopted may best promote the public good.

To mark routes.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners respectively, plainly and distinctly to mark upon the ground the route agreed upon for the roads as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorised to employ two chain bearers, one axe man, and one staff bearer, at a per diem allowance not exceeding one dollar.

Pay of Assistants.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners respectively, to make out fair and accurate drafts of the said locations, noting thereon the courses and distances from point to point as they occur, the improvements passed through, and also the crossing of county and township lines, roads or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one

Drafts to be deposited in Secretary's office, and with respective clerks of quarter sessions on or before 1st Dec. 1830

copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said roads shall be to all intents and purposes, public highways, and shall be opened and repaired in all respects, as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECT. 11. *And be it further enacted by the authority aforesaid,*

That the compensation of the commissioners shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of their respective counties through which the said roads may pass, and paid by the treasurers thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively; and if any vacancy or vacancies shall happen, by the resignation of the commissioners or by any other cause, the Governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

Commissioners' compensation.

Accounts to be adjusted and paid by respective county officers.

Governor to fill vacancies.

SECT. 12. *And be it further enacted by the authority aforesaid;*

That it shall be the duty of the commissioners aforesaid, to take from each and every person or persons owning land along the roads by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such roads shall pass through the land of such person or persons, and to file the same in the commissioners' office for the proper county.

Comm'rs to take and file releases.

FRED'K SMITH, *Speaker*  
*of the House of Representatives.*

WM. G. HAWKINS,  
*Speaker of the Senate.*

APPROVED—the sixth day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 137.

AN ACT

For the improvement of the Philadelphia and Baltimore road.

WHEREAS, It is understood that the Congress of the United States are about making an appropriation for the