

[No. 212.]

AN ACT

Authorizing the laying out of certain State Roads, and for other purposes.

Commission-
ers of road
from Blairs-
ville to Clari-
on.

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 John Sloan, of Clarion county, John Calhoun and William McIntosh, of Armstrong county, Meek Kelley, and S. McAnulty, of Indiana county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at the town of Blairsville, in Indiana county, thence by the nearest and best route to Shallotta; thence by the nearest and best route by way of Elderton, to the town of Clarion, in Clarion county.

Duty of com-
missioners.

SECTION 2. *It shall be the duty of the above named commissioners, or a majority of them, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out 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.*

Mark route.

SECTION 3. *It shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purposes of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ two chain bearers and one axeman, at a per diem allowance not exceeding one dollar.*

Draft.

SECTION 4. *It shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements passed through, and also the crossing of county or township lines, roads and 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 February next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass on the day aforesaid, or as much sooner as practicable,*

Deposited.

which shall be a record therefor, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts of Quarter Sessions of the Peace of the several counties of this commonwealth.

SECTION 5. The compensation of the commissioners shall be one dollar and twenty-five cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners, for their own pay and the pay of the hands as aforesaid shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively. Compensation

SECTION 6. The said commissioners shall meet at the place of beginning on the road before mentioned, to be by them laid out on the first Monday of September next, or sooner as may best suit their convenience, and complete the location of the road as soon as practicable. And if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions, of the county wherein such vacancy or vacancies shall happen is hereby authorized to fill such vacancy or vacancies by a suitable appointment. Meeting.
Vacancies.

SECTION 7. It shall be the duty of the said commissioners to take from each and every person or persons owning land along the road, by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county. Releases.

SECTION 8. That Thomas Armstrong, Ebenezer Smith and Jacob Burr, of Armstrong county, and William Coleman and John Smith, of Indiana county, be and they are hereby appointed commissioners to lay out and locate a state road from the town of Saltzburg, in Indiana county, by the nearest and best route, by way of A. Woodward's mills and Elderton to Rural village, in Armstrong county, with like powers and privileges and restrictions to perform similar services, and to receive the same per diem allowance that are granted to and required of the commissioners appointed by this act to lay out a state road from Blairsville to Clarion, and the accounts of the said commissioners for their own pay and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the counties through which the said road may pass, and paid by the respective treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in said county. Commission-
ers of state
road from
Saltzburg to
Rural village.
Per diem al-
lowance.

SECTION 9. That Meek Kelly and Joseph Henderson, of

Commissioners of part of road from Warren to Smicksburg. Indiana county, and Robert Woodward, of Armstrong county, be and they are hereby appointed commissioners to review that part of the state road (laid out from Warren, in Armstrong county, by way of Shallotta and Johnston's Mill to Smicksburg,) which lies between Shallotta and Johnston's Mill, with power to alter the location of the same whenever it may be necessary. The commissioners named in this section shall have the same powers and privileges, and be under the same restrictions and perform similar services, and to receive the same per diem allowance, that are granted to and required of the commissioners appointed by this act to lay out a state road from Blairsville to Clarion, and the accounts of the said commissioners and hands as aforesaid, shall be adjusted and allowed by the commissioners of the counties through which the said road may pass, and paid by the respective treasurers thereof on warrants drawn in the usual way, in proportion to the length of the road in said county.

Per diem allowance.

Commissioners of road from Doylestown to Lumberville.

Proviso.

Wyoming literary institute incorporated.

Liberties and franchises.

Proviso.

Income.]

By-laws.

SECTION 10. That Mehelinn McGlathery, of Montgomery county, and David Riall, of Bucks county, be and they are hereby appointed commissioners to view, lay out, and mark a state road, beginning at the point of a state road in the borough of Doylestown, in the county of Bucks, and thence by the nearest and best route to the river Delaware, at or near Lumberville, in said county, subject to all the provisions and restrictions of the preceding act: *Provided*, That so much of the said state road as is located along the academy roads, as is within the bounds of the borough of Doylestown, shall not interfere with widening the said road beyond its present width of thirty-three feet.

SECTION 11. That all and every the persons, who shall at the time of passing this act be members of the association called the Wyoming Literary Institute, in Wilkesbarre, shall be, and they are hereby declared to be one body politic and corporate, by the name, style and title of Wyoming Literary Institute, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also, the said corporation and their successors, at all times hereafter be able to purchase, receive, have, hold and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, demise, alien and dispose of: *Provided*, That the clear yearly value or income of the said corporation shall not exceed thirteen hundred and thirty-three dollars and thirty-three cents, and also to make and have a common seal, and the same to break and renew at pleasure, and also to ordain, establish, and put in execution such by-

laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof.

SECTION 12. Nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, moneyed, commercial or manufacturing concern, or to act in any other way than as an institution for the advancement of literature and science: *Provided*, That nothing herein contained shall entitle said corporation to receive the annual appropriation made to academies, colleges and female seminaries, by the fourth section of an act passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth of June, A. D., eighteen hundred and thirty-six.

Banking &c.
prohibited.

Proviso.

Not to receive
annual appro-
priation.

SECTION 13. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner however that no injustice shall be done to the corporators.

Repealing
clause.

SECTION 14. That Taylor F. Randolph, Thomas Van Horne, Esq., and John Reynolds, be and they are hereby authorized to cut a channel across the large bend on French creek, two miles below Meadville, so as to let the waters of said creek pass through the same, instead of through the old channel round said bend, and thereby improve the navigation of said creek at that place, but this act shall not take effect until the owners of the land, through which said new channel is to be cut, shall consent to the cutting of the same, and release the commonwealth from all damages arising therefrom.

Channel may
be cut across
the large bend
on French
creek.

SECTION 15. That Edgar Huidekooper be, and is hereby authorized to straighten the channel of French creek, by cutting through the point of land belonging to H. J. Huidekooper, on the island opposite the mouth of the Cussewago creek, so as to let the waters pass in a more straight direction, and to improve the navigation of the creek: *Provided*, That the consent of the said H. J. Huidekooper, be first obtained.

French creek
channel
straightened.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The 28th day of May, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.