

or hereditaments, in this commonwealth, now held by assignees or trustees, for the benefit of creditors, (of any corporation or corporations chartered by this commonwealth,) be and the same is hereby repealed.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 221.

AN ACT

Concerning certain state and turnpike roads.

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 Wily, Robert Mitchell, Jesse Beaver, Thomas Cochran and Michael Steever, of Perry county, be and they are hereby appointed commissioners, to view and lay out a state road from Rider's ferry to the west end of the Millerstown bridge, so as to intersect the said bridge road at or near the town of Millerstown, Perry county, by the nearest and best route between said points.

Commissioners of
state road from
Rider's ferry to
Millerstown
bridge.

Oath.

SECTION 2. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing 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 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 will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road it may be preserved within that limit.

Mark route.

SECTION 3. That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark the ground on the route agreed upon for the road 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 authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, at a per diem allowance not exceeding one dollar and twenty-five cents; and the said commissioners, respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Pay.

SECTION 4. That it shall be the duty of said commissioners to make *Drafts.* out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of 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 January next, and one copy in the office of the clerk of the court of Perry county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes, a public highway, and shall be opened to the breadth, and repaired, in all respects as roads are opened and repaired which are laid out by orders of courts aforesaid.

SECTION 5. That the accounts of said commissioners, for their own *Accounts.* pay, and the pay of surveyors, chain carriers, shall be made out and returned to the commissioners of Perry county, which shall be paid by orders drawn by the county commissioners on the treasury of the respective county.

SECTION 6. That the said commissioners shall meet on or before the *Meeting.* first Monday in June next, or as soon thereafter as practicable, and complete the review of said road as soon as practicable; and if any vacancy or vacancies shall happen, by resignation or otherwise, the court of quarter sessions of Perry county shall fill said vacancy or *Vacancy.* vacancies, by the appointment of suitable persons who shall perform said duty.

SECTION 7. That the commissioners of Perry county be and they are *Commissioners of* hereby authorized and empowered to appropriate, out of the treasury of Perry county. said county, any sum, at their discretion, not exceeding five hundred dollars, towards the completion of said road.

SECTION 8. That in case of either the abandonment for any length *Susquehanna and* of time, or of the condemnation, in the manner prescribed by law, of *Tioga turnpike* the whole or any part of any turnpike road in this commonwealth, *road.* except the Susquehanna and Tioga turnpike, it shall be the duty of the supervisors of each township through which the same may pass, forthwith, to take charge of, and put in good order and repair, such part of any such road as may be in their respective townships, and from time *Abandonment and condemna-* to time maintain and keep in good order, all such parts of said roads, *tion of turnpikes.* in the same manner as if the same were county roads; and in case of a failure to do so, shall be liable to all the provisions of law which relate to county roads.

SECTION 9. That from the time of either the abandonment or con- *Toll free.* demnation of the whole or any part of any such road, the portion so abandoned or condemned, shall be considered a county road, and free of all tolls, until such time as the company claiming the same, shall pay to the supervisors of said townships, for the use of each thereof, all such sums of money, and for all labor by each expended in keeping their respective parts of such roads in repair and good order; and each of said supervisors shall keep an accurate account, in a book for that purpose, of all such expenditures in money and labor, and at the expiration of their respective terms of office, deliver the same to their respective successors in office.

SECTION 10. The Butler and Pittsburg turnpike road, except the por- *Butler and Pitts-* tion from Spang's rolling mill to the city of Allegheny, shall be subject *burg turnpike* to the provisions of this act; and proceedings may be had to condemn *road.* said road, or any part thereof, in all of which the superintendent of the respective portions of said road, shall be considered the representative

of the company, and may be served with all notices which would have been necessary to the legal condemnation of any part of said road, if the same were in the hands of said company.

Turnpike roads
from Browning-
ton to Allegheny
city, and from
Butler to New
Castle.

SECTION 11. That the times specified in the acts of twenty-seventh January, one thousand eight hundred and forty-three, and of the thirteenth April, one thousand eight hundred and forty-three, for opening the subscriptions for stock to companies authorized to be incorporated for making turnpike roads from Brownington to Allegheny city, and from Butler to New Castle, are hereby changed and extended to the first day of December, one thousand eight hundred and forty-five.

Butler and Mer-
cer, Butler and
Kittanning, or
Butler and Free-
port turnpikes.

SECTION 12. That it shall be lawful for a majority of two-thirds, in number and value, of the stockholders of either the Butler and Mercer, Butler and Kittanning, or Butler and Freeport turnpike road companies, at any meeting of the stockholders of either of said companies, to abandon the road belonging to such company; and meetings may be called by any twelve of the stockholders of either of said companies, by giving public notice thereof, for twenty days before the time of such meeting.

Centre and Kish-
acoquillas turn-
pike road.

SECTION 13. That the president, managers and company of the Centre and Kishacoquillas turnpike road company, be and they are hereby authorized to make, or cause to be made, such alteration in the route of the said road as they shall deem expedient, subject to the same privileges and restrictions as are prescribed by their original act of incorporation; and that they shall have power to vacate any part of said road from a point at or near the Boiling Springs, to a point at or near the toll gate, in Spring township, Centre county; and the part of said road so vacated, shall henceforth be under the superintendence of the supervisors of Spring township, and be subject to all the provisions of the public road laws of this commonwealth.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.