

No. 231.

## AN ACT

Relative to the claims of Hugh and P. M'Ginly, of Northumberland county.

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 auditor general be and he is hereby authorized and directed to draw his warrant upon the state treasurer, in favor of Hugh and P. M'Ginley, late contractors for the lower towing-path section in the pool of the Muncy dam, West Branch division, Pennsylvania canal, for the amount which may remain due him for retained per centage, not exceeding sixty-five dollars; and the state treasurer is hereby authorized to pay the same out of any money in the treasury not otherwise appropriated.

JAMES ROSS SNOWDEN,  
*Speaker of the House of Representatives.*

WILLIAM BIGLER,  
*Speaker of the Senate.*

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

DAVID R. PORTER.

No. 232.

## AN ACT

Authorizing the laying out of certain state roads, and for other purposes.

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* Henry Logan and Peter Wolford, of York county, and George Brindle, of Cumberland county, be and they are hereby appointed commissioners, to view and lay out a state road from Dehuff's saw mill, in York county, to intersect the turnpike road leading from Carlisle to Baltimore, at or within one mile of the Mount Holly iron works, in Cumberland county; to meet in the borough of Dillsburg, on the fourth Monday of May next, or as soon thereafter as practicable. Commissioners, state road from Dehuff's saw mill, York county, to the Carlisle turnpike.

SECTION 2. That Samuel Morris, Samuel Vanata and Robert Brister, of Greene county, are hereby appointed commissioners to view and lay out a state road from Wood's saw mill, on the Middleburne state road, in said county, to the Grave creek state road, at or near Vanata's mill, Commissioners, state road from Wood's saw mill, to Vanata's mill, in Greene county.

in said county; to meet at the house of the widow Woods, on the Middleburne road, on or before the first Monday of September next, or as soon thereafter as practicable.

Commissioners,  
state road in Lan-  
caster and Ches-  
ter counties.

SECTION 3. That John Myers, Esquire, of Lancaster county, and William Compton and Baynard Way, of Chester county, be and they are hereby appointed commissioners, to view and lay out a state road from the public road leading from Churchtown to the Compass, on a line of Jacob Evans' land, in Salisbury township, Lancaster county; thence along said line eastward, having the said John Evans' land, and land of Matthew Buchanan on the north side, and lands of Solomon Landis, Junior, and John Robeson's on the south side, to a corner of said Matthew Buchanan and John Robeson's land, and on a line of John Zell's land, being also a line of Lancaster and Chester counties; thence by the nearest and best route through lands of said John Zell and Adam Yost, until it intersects a public road leading from the Harrisburg turnpike to John Miller's mill, called Cambridge road, and on land of the said Adam Yost, in Honeybrook township, Chester county; said commissioners to meet at the house of John Myers, Esquire, aforesaid, on or before the first day of June next, or as soon thereafter as practicable.

Commissioners,  
state road in  
Warren and  
Jefferson counties

SECTION 4. That Henry G. Sargent and Orin L. Stanton, of Warren county, and Samuel Findley, of Jefferson county, be and they are hereby appointed commissioners, to view and lay out a state road from the borough of Warren, in Warren county, to the borough of Brookville, in Jefferson county; to meet in the borough of Warren, aforesaid, on or before the first day of September next, or as soon thereafter as practicable.

Oath.

SECTION 5. That it shall be the duty of the respective boards of commissioners, or a majority of each board, respectively, 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 roads 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 circumstances, will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, when by a moderate filling or bridging the declination of the said roads it may be preserved within that limit.

Mark route.

SECTION 6. That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark the ground on the routes agreed upon for the roads 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 several boards of commissioners, respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, two chain bearers and one axeman, at a per diem allowance not exceeding seventy-five cents, and the said commissioners, respectively, shall receive a per diem allowance not exceeding one dollar and fifty cents, 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.

Drafts.

SECTION 7. That it shall be the duty of each board of commissioners, respectively, to make out fair and accurate drafts of the location of said roads, respectively, 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 the respective counties in which said roads may be laid out, 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 to the breadth, and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

SECTION 8. That the accounts of the said commissioners, for their own pay, and the pay of the chain bearers and axeman, shall be made out and returned to the commissioners of such counties in which said roads may be located, in proportion to the time spent in the respective counties in locating said roads; and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way. Accounts.

SECTION 9. That said commissioners shall complete the location of said roads as soon as practicable; and if any vacancy or vacancies shall occur by resignation or otherwise, the court of quarter sessions of the county where any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty. Vacancies.

SECTION 10. That the commissioners appointed under the act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes," approved the fifth day of April, one thousand eight hundred and forty-three, to view and locate a state road from Georgetown, in Mercer county, to Peter Hilliards, in Butler county, are hereby authorized to view, locate and extend said road from Georgetown, in Mercer county, to Conneaut harbour, in Crawford county, under the same restrictions, regulations, pay and allowances, as specified in the above mentioned act of April fifth, Anno Domini, one thousand eight hundred and forty-three, so far as it relates to the aforesaid road. State road from Georgetown, Mercer county, to Peter Hilliards, Butler county.

SECTION 11. That the citizens of the township of Monaghan, in the county of York, qualified to vote for members of the general assembly, shall at the same time that the constables of said township are elected, elect by ballot three qualified citizens, aforesaid, who shall be supervisors of roads or highways of said township; and the person so elected having the highest number of votes, shall serve for three years; the next highest, two years; and the next highest, one year; and their places, respectively, shall be supplied by the annual election of another citizen, qualified as aforesaid, to serve for three years; and if at any time no such election should be held under the provisions of this act, or if any of said supervisors should die, remove from the township, or decline to serve in said office, it shall be the duty of the remaining supervisors, or in case of their neglect, the constable of said township shall give at least ten days public notice, at six of the most public places in said township, to the qualified voters of said township, to supply the vacancy so occasioned by election, as aforesaid. York county, Monaghan township. Supervisors.

SECTION 12. Every supervisor elected, as aforesaid, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace of said township of Monaghan, diligently and impartially to perform the several duties enjoined on him by this act, to the best of his judgment and ability, without fear, favor or affection, hatred, malice or ill will; which oath or affirmation, the officer before whom the same is taken and subscribed, shall certify under his hand and seal, and deliver the same to the town clerk, to be recorded Oath.

by him in the township book; and the justice shall, for his service in the premises, receive twelve and a half cents.

**Tax.** **SECTION 13.** The supervisors shall meet at the place of holding the township election, within ten days after their election, and then and there levy and lay a tax on each taxable in said township, in pursuance of and in conformity with the county rates and levies, sufficient to keep the roads in good repair for one year; and their duplicate shall be examined and approved of by two justices of the peace of said township, (who shall each receive twenty-five cents as a fee for the same;) and at the same time and place they shall choose one of their number for a collector and treasurer of said tax, authorized by this act, who shall enter into a bond with good security, to his successor in office, for the faithful performance of the same, who shall receive five cents on each dollar collected, (as collector,) and two cents on each dollar paid out by him as treasurer, as aforesaid; and he shall hold his office for one year, and at the expiration of said term shall deliver to his successor in office all moneys, papers and books, appertaining or in any wise belonging to said office; and within ten days after said election, yearly, the said supervisors elected at such election, shall meet as aforesaid, and choose one of their number as a collector and treasurer.

**Working roads.** **SECTION 14.** Each and every person holding real estate in the township of Monaghan, through which or adjoining which, a public road or highway passes, shall keep the said road in good order, under the direction of the supervisors; and when the work is so done, the supervisors shall value the same, and if in their judgment more work has been done than would amount to his share of tax, then the overplus shall be paid to such person; and those not having done work to the amount of their tax, shall pay the balance due by them, respectively, to said supervisors; and if a public road be a line between two or more persons, they shall divide the same among them; but if they cannot agree so to divide the same, then the supervisors shall meet and divide the same for them, which shall be final.

**Notice.** **SECTION 15.** There shall be five days notice given to each person having roads to mend in pursuance of this act, before he shall be proceeded against by indictment; and if he neglect to perform the duty enjoined upon him after such notice, on conviction thereof he shall be subject to a fine, not less than four, nor more than ten dollars for every such neglect, (and the supervisors are immediately to repair said road, and charge him with the same,) the amount so charged to be collected as other debts are now by law collected, and the fines thus collected shall be paid into the hands of the treasurer.

**Fines.** **SECTION 16.** All moneys arising as well from penalties as otherwise by virtue of this act, shall be appropriated to the building and repairing of bridges, making and putting up index boards, repairing public roads through unseated lands owned by persons not residing in the township: *Provided*, That no money shall be drawn from the treasury but by an order signed by two supervisors, and countersigned by a justice of the peace of said township.

**Bridges.** **SECTION 17.** Whenever it is thought necessary and expedient, either by the supervisors or the inhabitants of said township, that a bridge ought to be built, the supervisors shall call a meeting of the taxable inhabitants of the township, to be held at the same place that the general election is now held, and shall give ten days notice of said meeting, by at least six handbills put up at the most public places in the township, signed by at least two of the supervisors; and the citizens when assembled, shall decide whether a bridge shall be built or not.

**Appropriation.**

**Citizens to vote for or against bridges.**

SECTION 18. The supervisors shall have the supervision of all the Supervisors' power-  
public roads or highways in the township, and settle all disputes arising ers.  
between landholders growing out of this act; and for all and singular the  
duties enjoined on them by this act, shall receive seventy-five cents per Pay.  
day.

SECTION 19. That John Hiddleston, John B. Beck and John Persem, Commissioners,  
of the county of Lycoming, be and they are hereby appointed commis- state road in Co-  
sioners to view and vacate so much of a state road leading from Kile's lumbia and Ly-  
tavern, on the Berwick and Tioga turnpike, thence by the nearest and coming counties.  
best route through Rohrsburg to Orangeville, in the county of Colum-  
bia, as lies between Kile's tavern and the saw mill of Henry Hess, as  
aforesaid; and it shall be the duty of the said commissioners, or a  
majority of them, appointed to view and vacate as aforesaid, (after hav-  
ing been sworn or affirmed by some justice of the peace, who shall file Oath.  
and preserve the same in his office, to perform the duties enjoined on  
them by this act, with impartiality and fidelity,) carefully to view the  
ground, and in lieu of that portion of said road which they are hereby  
authorized and required to vacate, it shall be the duty of said commis-  
sioners, or a majority of them, to view, lay out and mark a new route  
and road from Orangeville aforesaid; thence by the best route along the  
road above described, to or near Hess' saw mill; thence passing through  
Davidson township, in Lycoming county, so as to make the school  
house near the residence of John Hiddleston, in said township a point,  
and to intersect the Berwick and Tioga turnpike, at or near Ellis'  
tavern, in Lycoming county, aforesaid; and said commissioners shall lay  
out and mark said road, so that the vertical departure from a horizontal Mark route.  
line, shall in no point exceed three degrees; and it shall be their duty,  
further to mark upon the ground the route agreed upon in such manner  
as to enable the supervisors readily to find the same; and said commis-  
sioners shall receive a per diem allowance of one dollar each, for every Pay.  
day they shall be necessarily employed or engaged in performing the  
duties herein enjoined on them; and in case any of said commissioners  
shall perform the duties of surveyor, he shall receive fifty cents per day  
in addition; and the said commissioners are hereby authorized to employ  
a surveyor at one dollar and fifty cents per diem, two chain bearers  
and one axeman, at a per diem allowance for each, not exceeding  
seventy-five cents.

SECTION 20. It shall be the duty of said commissioners to make out Drafts.  
a fair and accurate plot or draft of the location of said road, the courses  
and distances as they occur, 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 Septem-  
ber next, and one copy in the offices of the clerks of the courts of quar-  
ter sessions of the counties of Lycoming and Columbia, respectively,  
on or before said day, which shall be a record thereof; and from thence-  
forth the said road shall be to all intents and purposes, a public high-  
way, and shall be opened and repaired as other roads laid out by order  
of the courts.

SECTION 21. The accounts of the said commissioners for their own Accounts, how  
pay, and for the pay of surveyors, chain bearers and axeman, shall be paid.  
adjusted by the commissioners of the county of Lycoming, and paid by  
the treasurer of said county, on warrants drawn by the said county  
commissioners.

SECTION 22. The commissioners shall meet on or before the first Meeting.  
Monday of June next, or sooner, if practicable, at such place or places  
as a majority of them may agree upon, and complete the said work as

soon as possible, and if any vacancy or vacancies shall happen by resignation, or otherwise, the court of quarter sessions of the county of Lycoming, or any judge thereof, in vacation, are hereby authorized to fill such vacancy or vacancies.

Repeal of part of  
former law.

SECTION 23. So much of the twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of the act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes," approved the twenty-fifth day of May, one thousand eight hundred and thirty-six, as is repugnant to and inconsistent with the provisions herein contained, be and the same is hereby repealed.

Susquehanna and  
Tioga turnpike  
road company.

SECTION 24. That the president, managers and company of the Susquehanna and Tioga turnpike road, may diminish the width of said turnpike road in all such places, and in such manner, as they may deem proper: *Provided*, That the same be kept of a width sufficient for a good carriage road, and in all suitable places admit of the free passage of two carriages; and that the same be bedded with pounded stone, wood, slate or other suitable and convenient materials for making the same a good solid road; and the said company may alter the location and construction of said road, at all such intermediate points or places between its terminating points, as the managers may from time to time direct: *Provided*, They shall not at any place increase the present grade of the road; and so soon as the said road from Berwick to the New York state line or any part or parts thereof, shall have been worked, repaired or altered, as aforesaid, the said company may collect toll thereon, according to the rates now prescribed by law: *Provided always*, That if the said company shall neglect or refuse to keep the said road, so far as they shall collect toll on the same, in repair, as aforesaid, for thirty days, after notice shall have been given by the constable of the township in which the said repairs are required to be made, (which notice shall be given in writing to the nearest gatekeeper on said road, setting forth the repairs required to be made,) it shall then be lawful for the supervisors of the said township, to make the said repairs at the proper costs and charges of the said company; and the same may be sued for and collected or recovered from the said company, as debts of that amount are by law collected before justices of the peace; and the fourteenth section of the act, entitled "An Act to enable the governor of this commonwealth to incorporate the president, managers and company of the Susquehanna and Lehigh turnpike road, and so forth," approved the nineteenth day of March, one thousand eight hundred and four, which is hereby supplied, be and the same is hereby repealed, so far as the same is applicable to the Susquehanna and Tioga turnpike road, and such other laws as are inconsistent herewith, are hereby repealed.

May alter road.

Proviso.

Supervisors.

Commissioners,  
state road from  
Karthause to  
M'Kean county.

SECTION 25. That John Rider, of Clearfield county, Reuben Winslow, of Elk county, and Samuel Beckwith, of M'Kean county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at or near Karthause, on the turnpike, thence by way of the mouth of Trout run, in Elk county, to Smethport, in M'Kean county.

Meeting.

View ground.

SECTION 26. That it shall be the duty of said commissioners to meet at the house of John Rider, in Clearfield county, on the first of June next, or earlier, and after having made oath before some officer authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road as near to a straight line as the nature of the ground and circumstances will per-

mit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of streams and ravines, when by moderate filling, cutting, and bridging, the grade may be reduced to that standard: and further, it shall be the duty of said commissioners, to have due regard to crossing of streams, the nature of the ground, and damage to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, a good road may be had, and the public good cared for: and further, it shall be the duty of said commissioners to carefully and plainly mark the road agreed upon. Mark route.

SECTION 27. The commissioners herein named shall receive a per diem allowance of one dollar and fifty cents, for each day they shall be necessarily employed in performing their duties under this act; and they are authorized to employ a surveyor, at one dollar and fifty cents per day, and two chain carriers and one axeman, at one dollar per day. Pay.

SECTION 28. The said commissioners shall on or before the first day of January next, make out four drafts of said road as located, whereon shall be noted the courses and distances, the crossings of county and township lines, and the crossing of streams, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office as matter of record; and one be filed in the office of the clerk of the court of quarter sessions in the respective counties through which the said road may pass; and from the time of such filing, as last stated, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as other public highways are. Drafts.

SECTION 29. That the accounts of said commissioners, for their own pay and the pay of those directed to be employed under this act, shall be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the said road within the said respective counties. Accounts.

JAMES ROSS SNOWDEN,  
*Speaker of the House of Representatives.*

WILLIAM BIGLER,  
*Speaker of the Senate.*

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

DAVID R. PORTER.