

Security.

and praying the direction of the court therein; and the said court is also fully authorized to require such security of the trustees, for the faithful performance of their duties, as may be deemed necessary for the protection of the parties interested.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 282.

AN ACT

To authorize a state road to be laid out from a point in the borough of Mercer, to the big bend of the Shenango, and for other purposes.

Commissioners.

Location.

Oath.

Duties.

Mark route.

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 Findley, Hugh Bingham, and Robert M'Cormick, be and they are hereby appointed commissioners to view and lay out a state road from the borough of Mercer, in Mercer county, to a point on the Erie extension of the Pennsylvania canal, to commence at the northerly limit of Shenango street, in said borough, and terminate at or near the end of the bridge over the Shenango creek, at the big bend of said creek.

SECTION 2. That it shall be the duty of said commissioners, respectively, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and lay out the same of the width of thirty-three feet, as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed three degrees, except only at crossing ravines and streams, when, by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

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 two chain carriers and one axeman, at a per diem allowance not exceeding one dollar each; and the said commissioners,

respectively, shall receive a per diem allowance of one dollar and fifty Pay. cents for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed; and if any of said commissioners, several of whom are surveyors, shall discharge the duty of surveyor, such commissioner shall receive, in addition to his per diem allowance as commissioner, one dollar per day for each day necessarily spent in the discharge of his duty under this act, or employ one surveyor at one dollar per day.

SECTION 4. That it shall be the duty of said commissioners to make Drafts. out fair and accurate drafts 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 streams, 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 twentieth day of January next, and one copy in the office of the clerk of the court of quarter sessions in said county, on or before the said twentieth day of January next, 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 order of the court of quarter sessions aforesaid.

SECTION 5. That the expense for the view and location of said road, Expenses. shall be paid by said county of Mercer, on warrants of the commissioners thereof, in the usual manner; and all damages arising from the opening of said road, through improved lands, shall be assessed and paid Damages. in the manner directed by law, in cases of public county roads.

SECTION 6. That the time limiting the Harrisburg and Pinegrove rail- Harrisburg and road company to commence their operations, as fixed by the twenty- Pine Grove rail- third section of the act, passed the twenty-fourth day of March, one road company. thousand eight hundred and forty-two, incorporating said company, be extended until the twenty-fourth day of March, one thousand eight hundred and fifty.

SECTION 7. That William Patton of Huntingdon county, John Camp- State road from bell and William Bailey, of Centre county, be and they are hereby Baileysville to appointed commissioners, to view and lay out a state road from Baileys- Petersburg. ville, in Centre county, to Petersburg, in Huntingdon county, who shall meet at Baileysville, on or before the first day of November next, and after being duly qualified according to law, shall proceed to lay out the said road on the best ground possible, and at a grade not exceeding four and a-half degrees per mile; and the said commissioners 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 one dollar, and the said commissioners shall Pay of commis- receive a per diem allowance of two dollars, which expenses shall be sioners, &c. paid in equal proportions from the treasury of the counties of Centre and Huntingdon.

SECTION 8. It shall be the duty of the said commissioners to make Drafts. out fair drafts of the location of said road, noting therein the courses and distances, and also the crossing of township lines and roads, one copy to 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 courts of the counties of Centre and Huntingdon, on or before the said first day of January, 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 order of the courts aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 283.

AN ACT

Relative to the claim of Gilbert S. Parker.

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 canal commissioners be and they are hereby authorized to examine into the claim of Gilbert S. Parker, a common carrier on the state improvement, for alleged damages sustained in the breaking of two cars on the Philadelphia inclined plane, on the twenty-eighth of December last; and if there should be found any thing due him, to settle and pay the same out of the damage fund: Provided, That the damages, if any, shall have been found to have occurred in consequence of the carelessness or negligence of the state agents and not otherwise: And provided also, That the damages, if any, shall be confined to the actual expenses incurred for repairs at the time.*

Damages.

Proviso.

Canal commissioners to publish act.

SECTION 2. That the canal commissioners be and they are hereby required to cause to be prepared, engrossed or printed, copies of the second section of "An Act relative to the claim of Hathorn Freeland, and for other purposes," approved April the eleventh, one thousand eight hundred and forty-four; and cause one copy to be placed in a conspicuous position at the head of each of the inclined planes of the commonwealth; and if upon examination they shall find that the damages referred to in the first section of this act, were caused by the neglect or misconduct of any state agent or agents, they shall strictly enforce the provisions of said second section in said case.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.