

No. 327.

AN ACT

To lay out a state road from the Somerset and Mount Pleasant turnpike road, on the top of Chesnut Ridge, in Fayette county, to intersect the Somerset and Cumberland turnpike road at or near Gibler's farm, in Somerset county, 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 Samuel Miller of Summit township, and Michael Freese of Milford, Somerset county, and Abraham Gallantine of Fayette county, be and they are hereby appointed commissioners to view and lay out a state road from the Somerset and Mount Pleasant turnpike road, at or near where the old county line road intersects the aforesaid turnpike on the top of Chesnut Ridge, east of Southerwood's tavern, in Fayette county, to intersect the Somerset and Cumberland turnpike road at or near Gibler's farm, now owned by Peter Wingard's heirs, in Somerset county.

Commissioners.

Route.

Oath.

View, &c.

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 said 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 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 five 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.

Mark route.

Pay.

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, of the width of thirty-three feet, in such manner as to enable the supervisors readily to find the same; 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 one target man, 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 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.

Vacation of old,
and connections
with new road.

SECTION 4. Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do; and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

Drafts.

SECTION 5. That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passing through, and also the crossing of township lines, roads and water, 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 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 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 6. That the account of said commissioners for their own Accounts, how pay and pay of surveyors, chain carriers, target men and axeman, shall paid, be made out and returned to the commissioners of said county in which the road is located, and that they be paid out of the treasury of the county on a warrant drawn in the usual way, in 'proportion to the distance of said road in each county.

SECTION 7. That the said commissioners shall meet at the house of Meeting. Southerwood's tavern, in Fayette county, on or before the first Monday in October next, or as soon thereafter as practicable, and complete the location as soon as possible; and if any vacancy shall happen by resig- Vacancies. nation or otherwise in said commissioners, the court of quarter sessions of the county of Mercer shall fill said vacancy by the appointment of suitable persons, who shall perform said duty.

SECTION 8. That so much of the act, entitled "An Act declaring the Certain law ex- streets in the town of Mifflinburg, in Columbia county, public high- tended to Cone- ways, and relating to Duquesne-way Pittsburg gas works, and for other wago township, purposes," passed the twenty-first day of March, one thousand eight York county. hundred and thirty-six, as relates to the public roads or highways in Newbury township, York county, be and is hereby extended to the township of Conewago, in said county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

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

FRS. R. SHUNK.