

the said council may deem expedient and proper for the use of the borough of Pottstown aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 202.

AN ACT

To lay out a state road from Shickshenny, in Luzerne county, to John Headleson's, in Lycoming 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* Commissioners. James Tubbs of Luzerne county, John Aughenbaugh of Columbia county, and William Smith, esquire, of Davidson township, Lycoming county, be and they are hereby appointed commissioners to view and lay out a state road, beginning at the Nanticoke and Hughesville turnpike, at the Shickshenny iron works, in the county of Luzerne; thence by way of Location. William Koon's flouring mill, in Luzerne; and thence by Ezekiel Cole's mills, in Columbia county; and thence to intersect a main road at or near the house of John Headleson, in the county of Lycoming.

SECTION 2. It shall be the duty of the said commissioners, or a Duty. majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the affidavits in his office, to perform the duties enjoined on them by this act, with fidelity and impartiality, carefully to view the ground over which the said road laid out by them may pass, and lay out the same as near to a straight line, touching the intermediate points specified between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no points exceed seven degrees, except at the crossing of ravines and streams, where by moderate filling and bridging, the declination of the road may be preserved within that limit; and further, it shall be the duty of the commissioners to have due regard to the crossing of water, 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, the route adopted may best promote the public good; and that they shall clearly and distinctly mark Mark route. upon the ground the route agreed upon, in such a manner as to enable

the supervisors readily to find the same ; and for the purpose of fulfilling the duties by this act enjoined, the commissioners here mentioned, shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act. The said commissioners are hereby authorized to employ a surveyor, at one dollar and fifty cents a day, two chain bearers and one axeman, at a per diem allowance not exceeding one dollar each.

Draft.

SECTION 3. That it shall be the duty of the said commissioners to make 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 county and 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 this commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions of each county through which the road shall be laid out, 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 and repaired, in all respects, as roads are opened and repaired by the supervisor of the highways, without the intervention of any order of any court for that purpose; and any part or parts of said road may be immediately, on the filing of the draft aforesaid, opened and worked for the benefit of the public.

Accounts, how settled.

SECTION 4. The accounts of the said commissioners, for their own pay, and for the pay of a surveyor, chain carriers and axeman, shall be adjusted by the commissioners, in the several counties in which the said road may be laid out, and paid by the respective treasurers thereof, on warrants drawn, in the usual way, in proportion to the length of the road in each county respectively: *Provided*, Such accounts shall be verified on oath that they are correct and proper.

Time of meeting.

SECTION 5. The said commissioners shall meet on or before the first Monday in September next, or as soon thereafter as practicable, at such place as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment, and in the event of any difference of opinion, a majority of the commissioners shall determine, and a report of such majority shall be conclusive, and as available as if made by all of them.

Time of election of Belmont and Oghuago turnpike road company, changed.

SECTION 6. That the annual election of officers of the Belmont and Oghuago turnpike road company, shall be held on the first Thursday in each and every year, instead of the first Monday in January.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.