

peace for the county aforesaid, as debts of a similar amount are by law recoverable ; the one-half of the fine for the use of the informer, who is made a competent witness, and the other half to the supervisors, for the benefit of the public highways, in the township in which the offence may be committed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 239.

A N A C T

Authorizing the laying out of a state road from the borough of Orwigsburg, Schuylkill county, to intersect a public road leading from Easton to Mauch Chunk, 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 Jacob Hammer, of Schuylkill county, Charles Dinkey, of Carbon county, and William Bock, of Lehigh county, be and they are hereby appointed commissioners, to view and lay out a state road from the court house, in the borough of Orwigsburg, by way of M'Keansburg, Focht's forge, Samuel K. Kepner, David Sechler's taverns, D. Kisler's mill, in Schuylkill county, and Dinkey's tavern, to intersect the public road leading from Easton to Mauch Chunk, at or near the house of John Dieter Bowman, in the county of Carbon.

Commissioners.

Location.

Duty of commissioners.

SECTION 2. *It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, or some other officer authorized to administer oaths, to perform the duties enjoined on them by this act, with fidelity and impartiality, to carefully view the grounds over which said road may pass, and lay out the same of the width of thirty-three feet, and as near 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 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.

SECTION 3. *That it shall be the duty of the said commissioners plainly and distinctly to mark the ground, on the route agreed upon for said road, in such manner as to enable the supervisors readily to find the same, and for the purpose of faithfully performing the duties of this act, the said commissioners are hereby authorized to employ one surveyor,*

at a per diem allowance not exceeding two dollars and fifty cents, two chain bearers and one axeman, at a per diem of one dollar each; and the said commissioners shall each receive a per diem not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, in manner and form as hereinafter directed.

SECTION 4. It shall be the duty of the said commissioners to make *Draft* out a fair and accurate draft of the location of said road, noticing therein 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 Tuesday of January, Anno Domini one thousand eight hundred and forty-seven, and one copy in the office of the clerk of the court of quarter sessions of the respective county in which said road may be laid out, on the day aforesaid, or as much sooner as may be practicable, which shall be the 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 courts aforesaid.

SECTION 5. Said commissioners shall have authority to vacate so *Power to vacate.* much of any road as may be supplied by the new one, if it shall appear expedient to do so; and in case any branch or lateral road may be obstructed, by vacating any parts of roads so supplied, it shall be the duty of the said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

SECTION 6. That the accounts of said commissioners, for their own, *Accounts.* and the pay of the surveyor, chain bearers, axemen, et cetera, shall be made out and returned to the commissioners of such counties in which such road may be located, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of the respective counties, on warrants drawn in the usual way.

SECTION 7. That the said commissioners shall meet on or before the *Time of meeting.* first day of September next, and complete the view of said road; and if any vacancy shall occur, by resignation or otherwise, the court of quarter sessions of the county where such vacancy shall exist, shall appoint a suitable person, who shall perform said duty.

SECTION 8. That it shall be the duty of the said commissioners to *To procure re-* endeavor to procure from the persons through whose land such location *leases from own-* may be made, releases from all claims of damages that might arise from *ers of land.* opening the same; and in every case where said commissioners shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages, and make report thereof, signed by a majority of them, and return the same, together with all releases obtained, to the court of quarter sessions of the respective county in which such damage may accrue.

SECTION 9. That the rates of toll authorized to be charged by the *Tolls fixed for* thirteenth section of "An Act to incorporate the Pittsburg and Con- *the Pittsburg and* nellsville rail road company," approved April the third, one thousand *Connellsville rail-* eight hundred and thirty-seven, shall not exceed two and a half cents *road company.* per mile, for each passenger; four cents per mile, for each ton of two thousand pounds for freight; three cents per mile, for each passenger car; and two cents per mile for each burden or freight car, every four wheels being computed as a car; and at all general meetings or elections by the stockholders of said company, each share of stock shall entitle the holder or holders thereof to one vote, and each ballot shall *Votes.* have endorsed thereon the number of shares thereby represented; and

Repeal.

the provisos to the thirteenth and sixteenth sections of said act be and the same are hereby repealed.

Road laws extended to Columbia county.

SECTION 10. That the provisions of the first, second, third and fourth sections of an act, entitled "An Act relative to public roads in certain counties therein named," passed the twenty-fourth day of February, A. D. eighteen hundred and forty-five, be and they are hereby extended to the county of Columbia.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 240.

AN ACT

Providing for the determination and settlement of claims for damage done by the construction of the Conneaut line of the Erie extension of the Pennsylvania canal.

Liability of Erie canal company.

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 Erie canal company shall be legally liable for the payment, in manner and form as hereinafter provided, of all damage done to private property, by the construction of the Conneaut line of the Erie division of the Pennsylvania canal, from the summit, at Conneaut lake, to lake Erie, which shall be assessed, determined and certified to said company, in the manner hereinafter provided.

Canal commissioners to assess damages.

SECTION 2. That the canal commissioners be and they are hereby authorized and required, without delay, to consider, assess and determine all claims for damage done to private property, by reason of the construction of the Conneaut line of the Erie division of the Pennsylvania canal, from the summit, at Conneaut lake, to lake Erie, excepting such cases as have already been considered, if any there be, and cases in which releases have been executed by the owners of the property, to the commonwealth, whether such claims be for damage done prior to, or since the transfer of said canal to the Erie canal company; and the said commissioners, in assessing and determining such claims, shall, in all respects, be governed by the general laws of this commonwealth, and guided by the rules established with regard to the assessment of damages done by the construction of the public improvements of the state; and when the claims for damages shall have been fully

To be governed by rules, &c.