

No. 316.

AN ACT

To authorize a state road from a point on the Mount Pleasant and Clinton grade, in Allegheny county, to intersect the Pittsburg and Steubenville road, near Clark's mill, in Washington county, and for the review of a state road from Woodward's mill, in Armstrong county, to the borough of Indiana, 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* John White, of Allegheny county, James Pollock, and Edward M'Donald, of Washington county, be and they are hereby appointed commissioners, to view and lay out a state road from the Clinton and Mount Pleasant grade, near Forbes' mill, in Allegheny county, by the way of the Robinson meeting house, and the mill formerly owned by Robert Withrow, in Washington county, to intersect the Pittsburg and Steubenville turnpike road, at or near William Clark's mill. Commissioners. Location.

SECTION 2. That it shall be the duty of the said commissioners respectively, after taking and subscribing an oath or affirmation before 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 the said road may pass, and to lay out the same of the width of thirty-three feet, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at the crossing of ravines and streams, where, by moderate excavation, filling or bridging, the declination of the said road may be preserved within that limit. Duty of commissioners.

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 fulfilling the duties of this act, the said commissioners are hereby authorized to employ a surveyor, if necessary, at a per diem not exceeding two dollars, two chain-bearers and one axe-man, at a per diem of one dollar each; and the said commissioners shall each receive a per diem not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, in manner and form as hereinafter directed. Mark route.

SECTION 4. It shall be the duty of the said board of commissioners to make 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, eighteen hundred and forty-seven, and one copy in the office of the clerk of the court of the respective county in which said road may be laid out, on the day aforesaid, or sooner if 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 which are laid out by order of the courts aforesaid. Draft.

Accounts, how
settled.

SECTION 5. That the accounts of the said commissioners, for their own, and the pay of a surveyor, chain bearer, axe-man, &c., shall be made out, and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in the location of said road, and that they be paid out of the treasury of the respective counties, on warrants drawn in the usual manner.

Time of meeting.

SECTION 6. That the said commissioners shall meet on or before the first day of September, Anno Domini, eighteen hundred and forty-six, and complete the view of the 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.

To procure re-
leases for dam-
ages.

SECTION 7. That it shall be the duty of the said commissioners, to endeavor to procure from the persons through whose land such location may be made, releases for all claims of damages that might arise from 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 damages may accrue.

Commissioners
appointed to re-
view the state
road from Ebens-
burg, Cambria
county, to Erie.

SECTION 8. That Robert Woodward, of Armstrong county, Pliney Kelley and William B. Clark, of Indiana county, be and they are hereby appointed commissioners to review, alter and locate that portion of a state road from Ebensburg, in the county of Cambria, by the way of Indiana, Kittanning, Butler and Mercer, to the borough of Erie, that lies between Robert Woodward's mill, in Armstrong county, and the borough of Indiana, in the county of Indiana; and the said commissioners shall be governed, in all respects, by the provision of the preceding sections of this act.

Lewistown and
Tuscarora bridge
company review-
ed, and time for
completion ex-
tended.

SECTION 9. That the act of assembly, passed the fourth day of April, one thousand eight hundred and thirty-eight, entitled, "An Act for the incorporation of several bridge companies, and for other purposes," and the several supplements thereto, be and are hereby revived and declared to be in full force, so far as the same relate to the Lewistown and Tuscarora bridge company; and the said company shall be allowed three years from the passage of this law, to commence said bridge, and five years thereafter to complete the same; and all subscriptions of stock heretofore made to said company, are hereby declared to be good and effectual, the same as if said bridge had been commenced and completed within the time prescribed by said act of fourth of April, Anno Domini one thousand eight hundred and thirty-eight.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

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

FRS. R. SHUNK.