

years, from being employed more than ten hours in any day, if the same be done by special contract with their parents or guardians.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 228.

AN ACT

Providing for laying out a state road from Berwick, in Columbia county, to Pottsville, in Schuylkill county, and to view and lay out a state road from Waynesburg, Greene county, to the widow Griffin's, in Fayette county.

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* George Mack, of Columbia county, Wallace Seybert, of Luzerne county, *Commissioners.* and John Breisch, of Schuylkill county, be and the same are hereby appointed commissioners to view and lay out a state road beginning at the borough of Berwick, Columbia county, and thence to Pottsville, in *Location.* the county of Schuylkill, by the nearest and best route.

SECTION 2. It shall be the duty of the said commissioners, or a majority of them, 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 road laid out by them may pass, and lay out the same as near to a straight line as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point 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 the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the said commissioners shall receive a per diem allowance of two dol- *Duty of commissioners.* lars each for every day they shall have been necessarily employed in performing the duties of this act; the said commissioners are hereby authorized to employ a surveyor at two dollars per day, two chain *Compensation.*

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, marking thereon the courses and distances as they occur, the improvements passed through, and also the crossings 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 the commonwealth, on or before the first day of January next, and one copy in the office of the clerk of quarter sessions of each county through which the said 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 supervisors of the highways, without the intervention of any order of any courts for that purpose; and any part or parts of said road may be immediately, on the filing of the drafts aforesaid, opened and worked for the benefit of the public; and the supervisors of the several townships through which the said road shall be laid out as aforesaid, shall open the said road of the width of fifty feet.

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 manner, in proportion to the length of the road in each county respectively: *Provided*, That 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, at such place as a majority of them shall agree upon, and complete the location of the 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 Columbia county is hereby authorized to supply such vacancy or vacancies by a suitable appointment; and in the event of a difference of opinion, a majority of the commissioners shall determine, and a report of such a majority shall be conclusive and as available as if made by all of them.

Commissioners appointed to lay out a state road from Waynesburg to widow Griffins.

SECTION 6. That Rufus K. Campbell, of Greene county, and Alexander Crow and Merideth Mallory, of Fayette county, be and the same are hereby appointed commissioners to view, lay out and mark a state road beginning at or near Waynesburg, in Greene county; thence down Whitely creek and by way of Greensboro', New Geneva and Haydentown, in Fayette county, to intersect the Cumberland road at the widow Griffin's tavern, by the easiest and most practicable route, having regard to distance of the route, the surface of the country and the cost of construction.

Commissioners to be sworn.

SECTION 7. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act, with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line; and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon, readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day

Duties.

Compensation.

for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar, and fifty cents per diem; two chain bearers and one axeman, at a sum not exceeding, for each, one dollar per diem.

SECTION 8. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter 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 day of January next, and one copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable; and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads, laid out by the courts, are made and repaired.

SECTION 9. That the commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county, are paid.

SECTION 10. That said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur, by resignation or otherwise, it shall be filled by the judges of the court of quarter sessions of the county in which said person or persons, so resigning, shall have resided.

SECTION 11. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person so refusing may reside; and that said commissioners shall have power to vacate any road, or part thereof, as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act.

WILLIAM F. PACKER,
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APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

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