

No. 310.

AN ACT

Authorizing certain state roads.

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 Israel L. Craft and William Armstrong, of Greene county, and Joshua V. Gibbons, of Fayette county, be and they are hereby appointed commissioners to view and lay out, and mark a state road, beginning at or near Waynesburg, Greene county; thence by way of Carmichaeltown, in said county, to Uniontown, in Fayette county, by the easiest and most practicable route, having reference to distance of the route, surface of the country, and cost of construction. Commissioners. Location.

SECTION 2. 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, 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. To be sworn. Compensation.

SECTION 3. 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, way, and shall be opened and repaired as all other roads laid out by the courts, are made and repaired. Draft. Public highway.

SECTION 4. And the commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the accounts of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county, are paid. Warrants to be settled and paid.

SECTION 5. And 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

Time of meeting. Vacancies to be supplied.

county in which said person or persons, so resigning, shall have resided.

Duty of supervisors. SECTION 6. And 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 prescribed by 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 the 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.

Commissioners to lay out a state road from Brady's Bend iron works to Rankin's. SECTION 7. That John Sloan, Jr., Samuel N. Hall, of Clarion county, and John Gilchrist, of Armstrong county, be and they are hereby appointed commissioners, to view and lay out a state road from the Brady's Bend iron works, in Armstrong county, to intersect the Waterson road at Joseph D. Rankin's, in said county.

To be sworn or affirmed.

SECTION 8. 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, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same on the nearest and best ground, and in no place to exceed an elevation of five degrees.

Mark the route.

SECTION 9. That it shall be the duty of the said commissioners, plainly and distinctly to mark the ground on the routes agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ at a per diem allowance not exceeding one dollar each, two chain carriers and one axeman; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents each, for each day necessarily expended in the discharge of the duties enjoined by this act; and the said commissioners performing the duties of surveyor, shall have and receive an additional compensation of one dollar per day, for each and every day spent in the laying out of said road, to be paid in manner and form as hereinafter directed.

Employ assistants.

Compensation.

Make drafts.

SECTION 10. It shall be the duty of 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, 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 tenth day of April next, and one copy in the office of the clerk of the courts of Clarion county, and one copy in the office of the clerk of the courts of Armstrong county, 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 to the breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the court aforesaid.

SECTION 11. That the accounts of the said commissioners for their own pay, and the pay of their chain carriers, shall be made out and returned to the commissioners of said counties of Clarion and Armstrong, and that they be paid out of the treasury of said counties on warrants drawn in the usual way; and the expenses of the location of said road shall be paid by the counties of Clarion and Armstrong, in proportion to the distance said road passes through each county. Accounts to be settled and paid.
How expenses of road shall be paid.

SECTION 12. That the said commissioners shall meet on or before the first Monday of June next, or as soon thereafter as practicable, and complete the view of said road. Time of meeting.

SECTION 13. That Joseph Hair and A. M. Hill, of the county of Fayette, and Robert Hitchman, of Westmoreland county, be and they are hereby appointed commissioners, to view and lay out a state road from at or near Mount Pleasant, in Westmoreland county, through East Liberty, Fayette county, to Uniontown, in Fayette county, by nearest and best route, marking the same plainly and distinctly upon the ground. Commissioners appointed to lay out a state road from Mount Pleasant to Uniontown.

SECTION 14. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act, with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line, between the said 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. To be sworn.
Duties.

SECTION 15. That said commissioners shall meet on or before the first day of November next, and proceed to complete the view of said road; and they are hereby authorized to employ one surveyor, at a per diem not exceeding two dollars, 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 day necessarily spent in the discharge of the duties enjoined by this act; and the accounts of said commissioners, for their own pay, and the pay of surveyor, chain bearers and axemen, shall be paid by the commissioners of the counties of Fayette and Westmoreland, by warrant drawn on the county treasurer, in proportion to the time spent in locating the said road within each county, respectively. Time of meeting.
Compensation.
How to be paid.

SECTION 16. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of the said road, noting courses and distances, improvements, roads, township lines and waters, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the said survey is completed, and one copy in the office of the clerk of the court of quarter sessions of each county, in which said road may lie; and from thenceforth the said road shall be 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 said courts of quarter sessions in said counties. Draft.

SECTION 17. That it shall be the duty of the said commissioners to endeavor to procure from all persons, through whose lands said road may be located, a release for all claims of damages which might arise from opening the said road; and in every case where they cannot obtain such release, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, and return, together with the releases, to the courts of quarter sessions of the respective counties in which such damages may accrue. To procure release for damages.

Geo. White appointed commissioner to collect and expend the appropriation for the repair of the state road from Robert Allen's to Blossburg.

SECTION 18. That George White, of Lycoming county, be and he is hereby appointed a commissioner, to carry into effect the provisions of the act, passed the fourteenth day of April, one thousand eight hundred and thirty-eight, to which this is a supplement, so far as the same relates to the appropriation of money, for the improvement of the state road from Robert Allen's, in Lycoming county, by way of Trout run, to Blossburg, in Tioga county; and that the said commissioner is hereby authorized to collect, by suit or otherwise, any unexpended balance which may be in the hands of former commissioners, from them or their sureties: *Provided*, That before entering on his duties, the commissioner hereby appointed shall give bonds to the commonwealth, to be approved by the court of quarter sessions of Lycoming county, for the faithful disbursement of any moneys which he may receive in pursuance of the provisions of this act.

Act authorizing the election of road master in West Salem township, Mercer county, repealed. Duty to be performed by supervisors.

Proceedings to settle damages done to private property.

Proviso.

SECTION 19. That so much of the fifth section of an act, entitled "An Act relative to roads and bridges, in the counties of Crawford, Clearfield and Greene," approved the seventh day of May, one thousand eight hundred and forty-four, as directs the election of a road master in each sub-school district, be and the same is hereby repealed, so far as relates to West Salem township, Mercer county; and the duties heretofore performed by road masters, shall be performed by the supervisors of said township; and for the purpose of settling any claim for damage done to private property, by the opening of any new road in said township, it shall be lawful for the parties in interest to choose three disinterested freeholders, who, after taking an oath or affirmation to discharge their duties, under this section, with impartiality and fidelity, shall view the premises and assess the damage, if any; and they, or a majority of them, shall make an award, under their hands and seals, and file the same with the township clerk, within five days after the date thereof; which award shall be final and conclusive in the premises, and shall be paid by the person or persons applying for said road, together with the cost of such proceeding; the payment whereof, shall be enforced as debts of like amount are recoverable before justices of the peace: *Provided*, That said viewers shall not be allowed more than one dollar per day, for each day necessarily spent by them in the performance of said duties.

Commissioners appointed to lay out a state road from Lamberton's saw mill to the Sulphur Springs.

SECTION 20. That George Stroop, of Perry county, and Patrick Davidson and Jefferson Worthington, of Cumberland county, be and they are hereby appointed commissioners to view and lay out and mark a road from Lamberton's state road, beginning at or near Wise's bridge, on the Sulphur Spring road, in North Middleton township, Cumberland county; thence over the North mountain, at Crane's Gap, to Lamberton's saw mill, in Carroll township, Perry county.

To be sworn.

Duties.

Mark the route.

Compensation.

SECTION 21. 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 affidavits in his office, to perform all the duties enjoined by this act, with fidelity and 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, (so as to make the grade as easy as possible on said mountain for heavily loaded wagons,) and 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 two dollars per day, for every day they shall necessarily be employed in

performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at two dollars a day, two chain bearers and one axeman, at a sum not exceeding, for each, one dollar a day.

SECTION 22. 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 August next, and one copy in the office of the clerk of the courts of quarter sessions of the counties of Cumberland and Perry, at the time aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth said road shall be 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 court 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 twenty-five feet at least, on the mountain, and thirty-three feet on the other parts thereof.

SECTION 23. 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 respective counties in which 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 road in each county respectively: *Provided*, That such accounts shall be verified on oath, that they are correct and proper.

SECTION 24. The said commissioners shall meet on or before the first Monday in May next, or as soon thereafter 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 Cumberland 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.

SECTION 25. That the expenses of opening said road shall be paid by the respective counties through which the same shall pass, to the amount which shall be expended in each county, the accounts thereof to be settled by the commissioners of the respective counties, in the usual way.

SECTION 26. That the act authorizing the governor to incorporate a company to make an artificial road from the Centre turnpike, near the Bear Gap, to the North-east Branch of the Susquehanna, at the end of the Blue hill, near Danville, in Northumberland county, known by the name and style of "The president, managers and company of the Danville turnpike road," be and the same is hereby repealed; and the said road is hereby declared to be a public highway, to be kept in good and sufficient repair by the supervisors of the townships through which said road runs, as other public highways are in their respective townships.

SECTION 27. That the commissioners of M'Kean county be and they are hereby authorized to appropriate, out of the county funds, the sum of one thousand dollars, to repair the road leading from the mouth of

Draft.

Public highway.

Duty of supervisors.

Accounts to be settled and paid.

Time of meeting.

Vacancies to be supplied.

Expenses of opening road, how to be paid.

Act incorporating Danville turnpike road, repealed, and declared a public highway.

Commissioners of M'Kean county to make appro-

priation for the repair of Knapp's Creek road, in said county.

To appoint persons to expend the money, who are to give approved security.

Accounts, how settled.

How expenses of viewers of roads and bridges and damages, in Lebanon county, are to be paid.

Proviso.

Act relative to the Conodoguinet bridge, in Cumberland county, repealed.

Commissioners appointed to lay out a state road from Rebersburg to Tylersville.

Drafts.

Compensation.

How paid.

Time of meeting.

Certain road laws relating to Conewago township, York county, repealed.

Knapp's creek, in the township of Eldred, to the forks of said creek, a distance of about five miles; and the commissioners are hereby authorized to appoint three competent persons, whose duty it shall be to expend such money in improving and repairing the said road, who shall give bonds for the faithful expenditure of such money, which bond shall be approved by the court of quarter sessions for said county; and shall, on the first Monday of January, in each year, settle their accounts with the auditors of M'Kean county, in such manner as the accounts of other county affairs are now settled, until the whole sum so appropriated shall have been expended.

SECTION 28. That hereafter the expense of all views and viewers of public roads and bridges, and of views to assess damages arising from the opening of public roads, in Lebanon county, shall be paid by the petitioners; and all assessments of damages arising from the opening of such roads, shall be paid by the respective townships and boroughs in which such damages may have been sustained: *Provided*, That the supervisors of the said townships and boroughs respectively, be authorized to levy a tax for the payment of the damages incurred.

WHEREAS, The commissioners of Cumberland county have spent upwards of four hundred and thirty dollars of the county funds, in making a turnpike road in Newton township, in said county, as required by a law approved on the fifteenth day of March, one thousand eight hundred and forty-seven:

And whereas, The other roads in the county are kept in repair by the respective townships, and it would be unjust that the one above-mentioned should be a charge on the county funds; therefore,

SECTION 29. That the first section of an act, entitled "An Act to authorize the commissioners of Cumberland county to repair a certain bridge and road adjacent, and relative to the Conodoguinet bridge," approved on the fifteenth day of March, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

SECTION 30. That Adam Shaffer, John Rhule and Henry Royer, of Centre county, Jacob Spangler and Christian Grub, of Clinton county, or any three of them, are hereby appointed commissioners to view and locate a State road from Rebersburg, in Centre county, to Tylersville, in Clinton county, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out two correct plots or drafts of said road, designating the lines thereof, and deliver the said plots or drafts to the clerks of quarter session of Centre and Clinton counties; and the said commissioners shall be entitled to receive one dollar per day, for every day necessarily employed in said location, to be paid by the treasurers of Centre and Clinton counties, in equal proportions, on the order of the commissioners of the said respective counties; and that the said road commissioners are hereby authorized to employ all necessary hands to complete the same, and to be paid as the said commissioners are. The said commissioners shall meet on or before the first Monday of October next; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as roads which are laid out by order of the court aforesaid.

SECTION 31. That the eighth section of the act, entitled "An Act to lay out a State road from the Somerset and Mount Pleasant turnpike road, on the top of Chestnut 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," approved the sixteenth day of April, eighteen hundred and forty-five, be and the same is hereby repealed.

SECTION 32. That James Pollock and James Donehoo, of Washington county, and John F. Wrenshaw, of Allegheny county, be and are hereby appointed commissioners to view, lay out and mark a State road, beginning at the village of Mount Pleasant, in the county of Washington, to a point at or near the mouth of Coal Pit run, in Allegheny county. Commissioners appointed to lay out a State road from Mount Pleasant to the mouth of Coal Pit run.

SECTION 33. 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; and that they shall clearly and distinctly mark the road, in such 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 one dollar and fifty cents per day, 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 two dollars per day, two chain bearers and one axeman, at a sum not exceeding one dollar, for each, per diem. Duties. Compensation.

SECTION 34. 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, eighteen hundred and forty-nine, and one copy in the office of the clerks of the courts of quarter sessions of the respective counties through which the road may pass, at 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. Drafts.

SECTION 35. 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. Expenses of location, how to be paid.

SECTION 36. Said commissioners shall meet on or before the first Monday of July next, or as soon thereafter as a majority of them shall agree upon, 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 majority of said commissioners, or by appointment by the judges of the courts of quarter sessions of the county in which said person or persons, so resigning, shall have resided. Time of meeting. Vacancies to be supplied.

SECTION 37. It shall be the duty of the supervisors of the several townships through which said road may 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; 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 vacate any part of the road between the points mentioned by this act: *Pro-* Duty of supervisors. Commissioners may vacate certain roads. Proviso.

vided, That said commissioners shall not have power to vacate any part of a road located from May's saw mill, in Washington county, to Coulter's mill, in Allegheny county.

Commissioners appointed to lay out a state road from Williamsport to Sullivan county.

SECTION 38. That William Colley, of Sullivan county, John Barbour, and A. H. M'Henry, of Lycoming county, be and they are hereby appointed commissioners to view, lay out, and mark a state road, beginning at Williamsport, in Lycoming county; thence by the most practicable and suitable route by way of Loyalsock creek, to some convenient point on the Susquehanna and Tioga turnpike, in the county of Sullivan; and in case of resignation or refusal to act by either of said commissioners, it shall be the duty of the judges of the court of quarter sessions of the county in which the commissioners resigning or refusing to act resides, to appoint a substitute.

Time and place of meeting.

SECTION 39. That it shall be the duty of said commissioners to meet at the house of J. H. Kelton, in said county of Lycoming, on the first day of June next, or earlier, and after having made oath before some officer authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty of said commissioners to plainly and carefully mark the route agreed upon.

Compensation.

SECTION 40. The commissioners herein named, shall receive a per diem allowance of one dollar and fifty cents for each day they shall be necessarily employed in performing the duties under this act; and they are authorized to employ two chain carriers and one axeman, at one dollar per day.

Drafts.

SECTION 41. The said commissioners shall on or before the first day of January next, make out three drafts of said road as located, whereon shall be noted the courses and distances, the crossings of county and township lines, and the crossing of streams, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions, in the respective counties through which the road may pass; and from the time of such filing as last stated, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired as hereinafter provided.

Accounts to be settled and paid.

SECTION 42. That the accounts of said road commissioners, for their own pay and the pay of those directed to be employed by them under this act, shall be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the said road, within the said respective counties.

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

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.