

No. 75.

AN ACT

Authorizing the laying out of a state road from Brookville, in Jefferson county, by way of the mouth of Little Toby's creek, in Elk county, to Ridgway, Elk 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* Hugh Brady, Levi G. Glover and Cyrus Blood, of Jefferson county, be and they are hereby appointed commissioners, to view and lay out a state road from the borough of Brookville, in Jefferson county, by way of the mouth of Little Toby's creek, in Elk county, to Ridgway, in Elk county.

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, 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 to a straight line, and in no place to exceed an elevation of five degrees.

SECTION 3. That it shall be the duty of 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, one packer and pack horse; 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 commissioner 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.

SECTION 4. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon the courses and distances as they occur, the improvements, and also the crossings 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 day of September next, and one copy in the offices of the clerks of courts of the respective counties in which the said road may 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 to the breadth, and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

SECTION 5. That the accounts of the said commissioners for their own pay, and the pay of their chain carriers, and so forth, 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 locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn the usual way.

SECTION 6. 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; and if any vacancy occur, the court of quarter sessions of the county where such vacancy occurs, shall supply by the appointment of suitable persons who shall perform said duty. Time of meeting

SECTION 7. That Mill creek, in the county of Jefferson, be and the same is hereby declared a public highway, from its mouth to Perrin's mill. Mill creek declared a public highway.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The sixteenth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 76.

AN ACT

Providing for the erection of a bridge over Darby creek, in Delaware 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 the act of assembly passed the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, entitled “An Act relating to roads, highways and bridges,” shall be so construed as to authorize the erection of a bridge over Darby creek, at or near Morris’ ferry, in the county of Delaware, with a suitable draw therein of sufficient width for the passage of vessels. Authority to erect a bridge.

SECTION 2. That after the said bridge shall have been built, if any person or persons having the control or command of any vessel, shall permit the same to come within ten rods of the said bridge, without having first lowered the sails so as to prevent the vessel from striking the bridge, or the draw, before it is shifted or hoisted, or shall permit the draw to remain open for a space of time longer than is absolutely necessary for the passage of the vessel, or shall lay his vessel along side the bridge for the purpose of loading or unloading; or if any person or persons whatsoever, shall cut, remove, destroy or injure any part of the wood, stone, iron or other work belonging to the said bridge or draw, or shall otherwise wilfully damage or do any act which may tend to damage the same, the person or persons so offending, or the owner of such vessel, shall for every such offence, in addition to the penalties heretofore provided by law, forfeit and pay the sum of thirty dollars. Penalty for injuries.