

No. 283.

A N A C T

Authorizing the location of a state road from Lycoming creek, by way of Sullivan county, to the North Branch of the Susquehanna; and relating to supervisors in Pike county; to incorporate the Northampton and Bucks plank road company; to lay out a state road from Mervinsburg to Conyngham.

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 Isaiah Bartley, of Sullivan county, Elmor Horton, of Bradford county, and Charles D. Eldred, of Lycoming county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at the state road leading from Williamsport, in Lycoming county, to Canton, in Bradford county, as near the source of the Lycoming creek as the formation of the country for the laying out of an easy road will admit; thence by the most practicable and suitable route by way of Fox, Elkland and Cherry townships, to the Little Loyalsock creek, at or near the seat of justice of Sullivan county; thence by way of William Colley's saw mill, in the township of Colley; and thence to a school house in the township of Asylum, near the house of Thomas Ingham, in Bradford county, on the North Branch of the Susquehanna river; and in case of resignation or refusal to act by either of the 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 reside, to appoint a substitute.

Commissioners.

Location of state road.

Meeting of commissioners.

To take oath.

SECTION 2. It shall be the duty of the said commissioners to meet at the house of Thomas S. Davis, at Ralston, in Lycoming county, on the first Wednesday in June next, or earlier, if they shall so determine, 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, to proceed to view the ground over which the proposed road is to pass, and to 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 the said commissioners to plainly and carefully mark the route agreed upon.

Pay of commissioners.

SECTION 3. 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 and twenty-five cents each per day.

Drafts.

SECTION 4. The said commissioners shall, on or before the first day of January next, make out four drafts of said road as located, whereon shall be noted the courses and distances, the crossings of county and township lines, and the crossings 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 shall 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

To be filed.

stated, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired as hereinafter provided.

SECTION 5. That the accounts of the said 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 spent in locating the said road, and performing the other duties required by this act within the said respective counties. Accounts.

SECTION 6. That it shall be the duty of the supervisors and road commissioners of the several townships through which the road authorized to be laid out by the foregoing sections of this act shall pass, to proceed to open said road in the same manner as is now provided by the existing laws of this commonwealth, relative to roads and bridges. Supervisors and road commissioners, duties of.

SECTION 7. That the commissioners appointed by this act shall have power to vacate any road or part thereof, which may be rendered useless by the location of the road hereby authorized; and shall also have the power to change the location of any part of the road now in use between the points mentioned in this act. Power to vacate.

SECTION 8. That it shall be the duty of the supervisors of the roads in the township of Lehman and Delaware, in the county of Pike, respectively, to expend one-third of the road taxes assessed upon the unseated lands in said townships respectively, for the last three years, and yet remaining unpaid, to said supervisors, in making and repairing so much of the state road from near Henry Peters', at Bushkiln, to Rudolphus Bingham's, as lies between the east side of Little Bushkiln, or Emanuel creek, and the west side of Big Bushkiln, near the mouth of the Rocky Hill branch, under the penalty of prosecution and conviction for a misdemeanor in neglecting to perform the duties of their office, as now provided by law. Supervisors of Lehman and Delaware townships, Pike county, duties of.

SECTION 9. That Washington M'Cartney, Jacob G. Raub, Peter S. Michler, John Bachman, Theodore R. Sitgreaves, John Davis, John Conner, Peter Bellis, Luther Calvin and William L. Sebring, of Northampton county; and John H. Johnson, William Bennet and John Fackentahl, of Bucks county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Northampton and Bucks plank road company," with power to construct a plank or M'Adamized road, commencing at the Lehigh bridge at Easton, Northampton county, to the Gallows run, at or near the river Delaware, in Bucks county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine. Commissioners.

SECTION 10. That the capital stock of said company shall consist of two thousand and four hundred shares, of twenty-five dollars each. Style.

SECTION 11. That if the said company shall not commence the construction of their road within two years, and complete the same within five years, then this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company. Location.

SECTION 12. That John Merwine, of Monroe county, Abraham Ripple, of Luzerne county, and Isaac Gould, of Carbon county, be and they are hereby appointed commissioners to view and lay out a road from Easton and Wilkesbarre turnpike, at or near Merwinsburg, in Monroe county, by Gouldsport, to Conyngham, in Luzerne county. Subject to provisions of certain act.

Duties.

SECTION 13. It shall be the duty of the said board commissioners, or a majority of them, after taking or subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with fidelity, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams, when by a moderate filling or bridging the declination of the said road, it may be preserved within that limit.

Mark the ground.

SECTION 14. That it shall be the duty of the said commissioners plainly to mark the ground on the route 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 one surveyor at a per diem allowance of two dollars, and two chain-carriers and one axe-man, at a per diem allowance not exceeding one dollar; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents, for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

Surveyor, pay of.
Chain carriers,
&c., pay of.
Commissioners,
pay of.

Drafts.

SECTION 15. That 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, respectively noting thereon 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 to be deposited in the office of the secretary of the commonwealth, on or before the first day of February, Anno Domini, one thousand eight hundred and fifty one, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out, on the day aforesaid, or as much sooner as practicable; and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth of thirty-three feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the aforesaid.

To be filed.**Accounts.**

SECTION 16. That the accounts of said commissioners for their own pay, and the pay of the surveyor, chain-carriers and axe-man, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out, 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 in the usual way.

Meeting of commissioners.

SECTION 17. That the said commissioners shall meet on or before the first day of August next, or as soon thereafter as practicable, and complete the view of said road as soon as practicable; and if any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duties.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.