

No. 313.

AN ACT

To incorporate the Muncy Creek plank road company; relative to tavern licenses in Lycoming county; to taxes in Centre county; to the sale of the estate of Thomas M'Guire, deceased, in Clinton county; and relative to the boundary line of Beaver township, in Jefferson 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 Baker Langeake, Simon Schuyler, Jacob Cook, Daniel Clapp, Joseph Gudykunst, Alfred H. Mann, Samuel Craft, Gershom Biddle, Edward Lyon, Isaac Corson, junior, James Taylor, J. Richter Jones, Benjamin Fiester, George Sones and Peter Buck, or any five of them, be and are hereby appointed commissioners to open the books, receive subscriptions and organize a company, by the name, style and title of "The Muncy Creek plank road company," to locate and construct a plank road from the east side of the Muncy canal basin, at Muncy, in the county of Lycoming, via Hughesville, in said county, to the junction of the out-let of Lewis' lake with Muncy creek, near George Sones', in the county of Sullivan, subject to 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, and the several supplements thereto, so far as they are not inconsistent with this and the following sections. Commissioners.
Location.
Subject to provisions of certain act.

SECTION 2. The capital stock of said company shall consist of two thousand shares, at twenty-five dollars per share: *Provided,* Said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act. Capital stock.

SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

SECTION 4. That the provisions of the act, entitled "An Act supplementary to the various acts relating to tavern licenses," approved the twenty-ninth day of March, one thousand eight hundred and forty-one, and they are hereby extended to the county of Lycoming; and that so much of any act as is hereby altered or supplied, be and the same is hereby repealed, so far as relates to the said county of Lycoming. Provisions of certain act relative to tavern licenses extended to Lycoming county.

SECTION 5. That all state, county, school, road and poor taxes within the county of Centre, which have remained due and payable for a period not exceeding two years, duly levied and assessed, shall be a lien upon all real estate within said county belonging to any person or persons, bodies corporate or politic, in all cases where there is no personal property to be found on said real estate to pay said taxes; and in case of sale of said real estate by the sheriff, on writs of execution, the amount of taxes so assessed and levied, and remaining due and unpaid, shall first be paid out of the moneys arising from said sale. Taxes in certain county to be a lien, &c.

ADMINISTRATOR OF THOMAS M'GUIRE AUTHORIZED TO SELL CERTAIN REAL ESTATE.

SECTION 6. That William Fearon, junior, administrator de bonis non with the will annexed of Thomas M'Guire, late of Clinton county, deceased, be and he is hereby authorized and empowered to sell and convey in fee simple, all that certain messuage, tenement and tract of land situate in Lamar township, in the county of Clinton, late the estate of the said Thomas M'Guire, deceased, bounded north by lands of Thomas Furst, east by lands of William Gifford and John Hamlin, south by Nitany mountain, and west by lands of James T. Hale and James Borell, containing one hundred acres and allowance, more or less : *Provided*, That before such sale shall be made, the administrator aforesaid shall give public notice thereof at least twenty days before the day appointed for such sale, by advertisement in at least one newspaper published in the county ; and also, by handbills affixed in at least three of the most public places in the vicinity of such estate : *And provided also*, That the said administrator, before he makes sale of said real estate, or executes any of the powers conferred by this act, shall give bond to the commonwealth for the use of all parties interested, in such sum and with such sureties as may be approved of by the orphans' court of Clinton county, conditioned for the faithful appropriation of the purchase-money of the said real estate, as may be determined by said court, in pursuance of the provisions of said will.

EAST LINE OF BEAVER TOWNSHIP, JEFFERSON COUNTY, EXTENDED.

SECTION 7. That the east line of Beaver township, Jefferson county, is hereby extended north one-half mile (making the east line four miles) to a post; thence west to the Clarion county line; thence south to the place of beginning.

STATE TREASURER AUTHORIZED TO MAKE A CERTAIN PAYMENT TO THE ADMINISTRATOR OF SAMUEL M. TAYLOR, DECEASED.

SECTION 8. That the state treasurer be and he is hereby directed to pay to John H. Rush, administrator of the estate of Samuel M. Taylor, late treasurer of Bedford county, out of any money not otherwise appropriated, the sum of one thousand three hundred and eighty-nine dollars and fifty cents, that being the amount overpaid by him whilst treasurer of said county, and which is due him upon settlement of his account with the auditor general.

COMMISSIONERS. STATE ROAD. LOCATION.

SECTION 9. That James A. Gibson and James M'Alen, of Allegheny county, and John Gilchrist, of Butler county, be and they are hereby appointed commissioners to view and lay out a state road from a point on the Allegheny and Perrysville plank road, at or near the town of Perrysville, in Allegheny county, to the town of Butler, in Butler county, passing the Allegheny and Butler line at or near the farm of Robert Dodds, to meet in the town of Perrysville on the first Monday of May next, or as soon thereafter as practicable.

BOARD OF COMMISSIONERS, DUTIES OF.

SECTION 10. That 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 as near a straight line between the aforesaid points as the nature of the ground and other circumstances will permit, so that the departure from a horizontal line shall at no point exceed three degrees, except only at the crossing of ravines and streams, when by a moderate filling or bridging the declination of the said road may be preserved within that limit.

FURTHER DUTIES.

SECTION 11. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find and properly construct the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one engineer, at a per diem allowance not exceeding

three dollars, two chain-bearers and one axe-man, at a per diem allowance not exceeding one dollar; and the said commissioners shall each 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 as hereinafter directed: *Provided*, That no person acting as commissioner under the provisions of this act, shall receive the compensation of engineer in addition to the per diem allowance of commissioner.

SECTION 12. That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, 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 shall be deposited in the office of the secretary of the commonwealth, on or before the twentieth day of January next, and one copy in the office of the clerk of the courts of quarter sessions of the respective counties in which 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 of forty feet, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 13. That the accounts of the said commissioners for their own pay and pay of engineer, chain-bearers and axe-men, shall be made out and returned to the commissioners of the 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 in the usual way.

SECTION 14. That the said commissioners shall complete the location of said road as soon as practicable; and if any vacancy or vacancies shall occur, by resignation or otherwise, the court of quarter sessions of the county where any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

SECTION 15. That sums of money may be subscribed and paid into a fund for the purpose of being expended in opening, making and constructing such part or parts, portion or portions of said road, as the majority of them so subscribing may determine; which said sums of money shall be expended under the direction and superintendence of some suitable person appointed by the majority of the persons subscribing; and if at any time hereafter any turnpike or plank road company shall occupy said road, then and in that case said moneys shall be refunded or taken for a portion of the capital stock of such company.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

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

WM. F. JOHNSTON.