

No. 320.

A N A C T

Authorizing the borough of Bolivar, in Westmoreland county, to dig a public well; in relation to state and turnpike roads; and to the pay of the commissioners of Westmoreland county; incorporating the Wellersburg and West Newton plank road company; empowering the auditor general to examine the claim of Samuel Kerr, and relative to bridges in Lebanon 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 burgesses and officers of the borough of Bolivar, in the county of Westmoreland, be and they are hereby authorized to dig a public well on Canal street in said borough, for the purpose of supplying the citizens and inhabitants of said borough with water; and the said burgesses and officers of the borough may assess such an amount of taxes on the inhabitants of said borough as will be necessary to sink said well, and put and keep it in proper order for the public use.

SECTION 2. That Samuel L. Carpenter, William Wilson, Uriah Applegate, William Vankirk, Daniel Sarver and Daniel Kestler, be and they are hereby appointed commissioners to view and lay out a state road from Elizabethtown, in Allegheny county, by the way of Alexander Guffey's salt works, to intersect the Greensburg and Pittsburg turnpike road, at Greensburg, Westmoreland county, or some point west of it, to be determined by the commissioners by the nearest and best route, marking the same plainly and distinctly upon the ground: *Provided,* That after a view being had a majority of said viewers shall determine that said road is necessary.

SECTION 3. 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 Elizabeth, in Allegheny county, to the point determined upon on the Greensburg and Pittsburg turnpike road, by the way of Guffey's salt works, 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.

SECTION 4. That the said commissioners shall meet on or before the first day of July, one thousand eight hundred and fifty, 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 of not exceeding 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 axeman, shall be paid by the commissioners of the counties of Allegheny and Westmoreland, by warrants drawn on the county treasurer, in proportion to the time spent in locating the said road within each county respectively.

- Draft.** **SECTION 5.** That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting courses and distances, improvements, waters, roads, county and township lines, 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 and opened by order of the said courts of quarter sessions in said counties: *Provided*, That said road shall not be opened to a greater width than thirty feet.
- To be filed.**
- Damages.** **SECTION 6.** That it shall be the duty of 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 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.
- Belmont and Easton turnpike road company, relative to proceedings against.** **SECTION 7.** That hereafter all proceedings again the president, managers and company of the Belmont and Easton turnpike road, for any neglect or refusal to keep their road in good traveling order and repair, or for any penalty inflicted on them for the same, shall be commenced and prosecuted according to the provisions of the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of an act of assembly, entitled "An Act regulating turnpike and plank road companies," approved January twenty-sixth, one thousand eight hundred and forty-nine.
- Repeal.** **SECTION 8.** Such portions of the act incorporating said company as are inconsistent with the provisions of this act, be and are hereby repealed.
- Commissioners.** **SECTION 9.** That Alexander M'Kee, of the county of Allegheny, and Henry Davis and John A. Frazier, esquire, of Beaver county, be and they are hereby appointed commissioners to view and lay out a state road from the village of Philipsburg, in the county of Beaver, to a point on the Pittsburg and Steubenville turnpike road, at or near where said road crosses Saw Mill run, in the county of Allegheny.
- State road.**
- Location.**
- Duties.** **SECTION 10.** 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 the 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.
- Chain-carriers, pay of.** **SECTION 11.** 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 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 axe-man; and the said commissioners respectively shall receive a per diem allowance not exceeding two dollars 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 fifty cents for each and every day spent
- Commissioners, pay of.**

in the laying out of said road, to be paid in manner and form as herein-after directed.

SECTION 12. 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 October next, and one copy in the offices of the clerks of the 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.

Draft.

To be filed.

SECTION 13. That the accounts of the said commissioners for their own pay and pay of their chain-carriers and axe-man, 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.

Accounts.

SECTION 14. The said commissioners shall meet on or before the fourth day 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 a suitable person or persons to fill such vacancy, who shall perform said duty.

Meeting.

Vacancies, how supplied.

SECTION 15. That the supervisors of the several townships of Cumberland and York counties, through which the state road passes, leading from Kelse's ferry, in the county of Cumberland, to the Maryland line, in the county of Adams, in the direction of the city of Washington, be and they are hereby authorized and required, within three years from the passage of this act, to reduce the hills on that portion of said road lying between the Susquehanna river and the borough of Dillsburg, to an elevation not exceeding five degrees from a horizontal line.

Supervisors of Cumberland and York counties, through which a certain road passes, required to reduce the hills, &c.

SECTION 16. That the said supervisors are hereby authorized to let the work in sections to the lowest bidder, upon due public notice by printed or written hand-bills, put up at five or more of the most public places in the township in which the work proposed is to be done, at least ten days previous to such letting: *Provided*, They are of the opinion that such letting will be an advantage to their respective townships: *And provided also*, That this act shall not be so construed as to include a hill on said road generally known by the name of Yosi's hill, in the county of Cumberland.

Authorized to let the work in sections.

SECTION 17. That the county commissioners of Westmoreland county be entitled to receive out of the county funds, in addition to the daily pay now allowed by law, the sum of one dollar per day for every day which may be necessarily spent by them in transacting the business of the county, at any other place than at the county seat.

Commissioners of Westmoreland county, pay of.

SECTION 18. That Joseph Markle, John Fausold, James W. Jones, Henry Baker, David Lavan, Andrew J. Ogle, Isaac Ankeney, John Brubaker, Daniel Lepley, George Klingaman, junior, James Gardner, John C. Plumer, Rudolph Boose, John R. Brenham, Thomas Bensford, Solomon Baer, Michael A. Sanner, Henry Little, William Colvin, Cyrus P. Markle, William Hitchman, John Cover and Samuel Philson, or any five of them, be and the same are hereby appointed com-

Style.	missioners to open books, receive subscriptions and organize a company, by the name, style and title of "The Wellersburg and West Newton plank road company," to locate and construct a plank road from Wellersburg, in the county of Somerset, to West Newton, in the county of Westmoreland, on the bed of the present public road leading from Wellersburg to West Newton, or otherwise, as the company may direct,
Location.	subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, as far as the same are not inconsistent with this and the following sections.
Subject to provisions of certain act.	SECTION 19. That the capital stock of said company shall consist of four thousand shares, of twenty-five dollars per share: <i>Provided</i> , That said company may from time to time, at a meeting called for that purpose, increase their 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 20. That said road shall be commenced within three years, and completed within four years thereafter, or this act to be null and void, except so far as it may be necessary for the purpose of closing up the affairs of said company, and paying the debts of the same.
Commencement and completion of road.	SECTION 21. That the auditor general be and he is hereby authorized to examine and settle the claim of Samuel Kerr, late supervisor on the Beaver division, Pennsylvania canal, for interest upon money expended by him on said division in eighteen hundred and forty-one, in payment of labor when there was no money belonging to the commonwealth applicable to the payment of repairs on said division, and report the amount which may be found due, (if any,) to the legislature: <i>Provided</i> , That said amount shall not exceed six hundred dollars.
Auditor general authorized to examine and settle the claim of Samuel Kerr.	SECTION 22. That the several provisions of the act, entitled "An Act relating to bridges, in Lancaster county," passed the twenty-seventh day of February, one thousand eight hundred and forty-seven, be and the same is hereby extended to the county of Lebanon.
Provisions of certain act relative to bridges, extended to Lebanon county.	

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

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

WM F. JOHNSTON.