

CHAPTER MMDCV.

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AN ACT DECLARING PARTS OF THE BRANCHES OF PINE CREEK, IN THE COUNTIES OF TIOGA AND POTTER, PUBLIC HIGHWAYS.

Section I. (Section I, P. L.) 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 from and after the passing of this act, the west branch of Pine creek from the Third fork, in the county of Tioga, to the forks at Elk-lick, in the county of Potter, and also the said Third fork from its mouth to Morris's marsh, in the said county of Tioga, shall be, and the same are hereby declared to be public highways, for the passage of boats and rafts, and it shall and may be lawful for the inhabitants, and others desirous of suing the navigation of the said branches, to remove all natural or other obstructions in the same: Provided nevertheless, that any person or persons owning or possessing lands on the said branches, shall have liberty to erect any dam or dams across the same, agreeably and subject to the restrictions and provisions of the act of the general assembly of this commonwealth, passed on the twenty-third day of March, one thousand eight hundred and three, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."<sup>(1)</sup>

Approved April 4, 1805. Recorded in L. B. No. 10, p. 175.

Note (1). Chapter 2353. Supra, this volume, p. 297.

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CHAPTER MMDCVI.

AN ACT APPROPRIATING A SUM OF MONEY FOR VIEWING AND OPENING A ROAD FROM THE TOWN OF SOMERSET, IN THE COUNTY OF SOMERSET, TO GREENSBURGH, IN THE COUNTY OF WESTMORELAND.

Whereas it has been represented to the legislature, that a road if laid out and opened in a direct course from the town

of Somerset, in the county of Somerset, to Greensburg, in the county of Westmoreland, would be a great accommodation to the inhabitants of the adjacent country, and as a public post-road of general utility: And whereas it appears that a great part of the country through which the road must pass is mountainous and uninhabited, so that a road cannot be opened by the township in the usual way: Therefore,

Section I. (Section I, P. L.) 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 governor is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a public highway from the town of Somerset, in the county of Somerset, in the most direct practicable route to Greensburg, in the county of Westmoreland, and the said commissioners shall proceed to perform said service at such time as the governor shall direct, and shall cause a draft of said road to be deposited in the office of the secretary of the commonwealth, and shall also deposit a copy of said draft in the prothonotary's office in each of the counties of Somerset and Westmoreland, which shall be deemed a record of said road, which from thenceforth shall be to all intents and purposes a highway, and shall be kept in repair as other roads laid out by order of the courts of quarter sessions are in said counties.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That each of said commissioners shall receive two dollars for each day he shall be employed in the service aforesaid, exclusive of reasonable allowance to chain-carriers, to be paid in equal proportions by the treasurers of Somerset and Westmoreland counties, out of the county stock on warrants of the commissioners of the respective counties.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sum of eight hundred dollars is hereby appropriated to the purposes of this act, to be paid out of the arrearages of state taxes yet due from West-

moreland county; to be paid by the treasurer of said county on a warrant or warrants of the commissioners thereof, out of the arrearages of state taxes aforesaid, and not otherwise; which sum so paid shall be allowed the said treasurer on the settlement of his accounts.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the sum hereby appropriated shall be applied to the opening of the aforesaid road within the county of Westmoreland, and shall be expended under the direction of the commissioners thereof, always giving a preference to the mountainous and uninhabited parts of the said road.

Approved April 4, 1805. Recorded in L. B. No. 10, p. 176.

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## CHAPTER MMDCVII.

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A FURTHER SUPPLEMENT TO AN ACT, ENTITLED, "AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA." (\*).

Section I. (Section I, P. L.) 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 no person who may hereafter be placed on the list of exempts, agreeably to the directions of the first section of the act<sup>(1)</sup> to which this is a supplement, shall have the right to appeal to nor be exonerated from the payment of the tax or fine imposed on exempts, by any court or tribunal whatever, other than the court of appeals of the proper battalion within whose bounds such exempt or exempts resides; and it is hereby declared, that the county commissioners shall not have or exercise any power or authority whatever to exonerate or make any allowance or abatement to any exempt or exempts, excepting only in such case in which a certificate of exoneration shall be produced and delivered to such commissioners by any such exempt, under the signature of the president of the proper court of ap-