

Proviso.  
Penalty on  
refusal to  
serve.

2d proviso.  
Once in five  
years.

Right of ap-  
peal by per-  
sons aggriev-  
ed.

pointed, respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall for the same forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *And provided also*, That no person appointed as aforesaid, shall be liable to fine for refusing or neglecting to serve more than once in five years.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the said county, upon giving security, according to law, to prosecute his, her or their appeal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The twenty first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 96.

### AN ACT

Authorising the laying out a state road from the ferry, on the Ohio river, opposite the town of Economy, in the county of Beaver, to intersect the roads leading from Frankford and Georgetown, to Pittsburg, at the village of Clinton, in the county of Allegheny.

Commissioners appointed to lay out road.

SECT. 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 David Scott and James Johnston, of Beaver county, and Nathaniel Patterson, of Allegheny county, are hereby appointed commissioners to lay out by courses and distances, a state road, beginning at the ferry, on the Ohio river, opposite the town of Economy, in the county of Bea-

ver, to intersect the roads leading from Frankfort and Georgetown, to Pittsburg, at the village of Clinton, in the county of Allegheny.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line shall at no point exceed five degrees, unless it be at the crossing of ravines and streams, whereby moderate filling or bridging the declination of the road may be preserved within that limit, except the hill at the Ohio river.

Their oaths  
and duties.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing the ground, to have due regard to the crossing of water, to the declination and nature of the ground, to the expense of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

To regard  
crossing of  
water, expen-  
ses, damages,  
&c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road as 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 commissioners are hereby authorized to employ two chain bearers, one axe man, and one staff bearer, at a per diem allowance not exceeding seventy-five cents.

To mark  
route on  
ground.

To employ  
assistants.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point, as they occur, the improvements they pass through, and also the crossings of county and township lines, roads or 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 December next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and thenceforth, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Drafts of lo-  
cation.

Where depo-  
sited.

Road declared  
and a highway.

Compensation of commissioners.

Accounts to be adjusted by commissioners of Beaver and Allegheny.

Meeting of commissioners.

Vacancies to be filled by Governor.

Commissioners to take releases.

To be filed.

Court of quarter sessions of Beaver may within two years grant views and reviews of a certain state road.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners shall be one dollar and fifty cents each for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Beaver and Allegheny counties, and paid by the treasurers thereof, on warrants drawn in the usual way, each county to pay in proportion to the distance said road may pass through the same; the commissioners shall meet at the said ferry on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by any other cause, the Governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to take from each and every person or persons owning lands along the roads, by them respectively to be laid out, acquittances or releases from any blame or damages, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioners' office in the proper county.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the peace, in the county of Beaver, shall have authority, upon application by petition, to them made, at any time within two years from the passage of this act, to grant views and reviews, to vacate or change the route of the state road leading from Greensburg or Darlington, in Beaver county, to the Ohio state line, in the direction of Petersburg, in like manner and the like orders, proceedings and judgment, shall be thereupon had as are authorised and practised in vacating or changing the location of public roads and highways, any law to the contrary notwithstanding.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF: