

No. 105.

**An Act**

Authorizing the laying out of a state road from Smethsport, in McKean county, to the Allegheny river, where the turnpike road leading from Warren to Ridgway crosses the same.

*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 George Morrison of McKean county, and James Stewart and John Andrews of Warren county, be and are hereby appointed commissioners to view, lay out and mark a state road beginning at the town of Smethsport in McKean county, thence by the nearest and best route to the point where the turnpike road leading from the town of Warren in the county of Warren, to Ridgway in the county of Jefferson crosses the Allegheny river.

*SECTION 2.* It shall be the duty of the said commissioners, or a majority of them appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further it shall be the duty of the commissioners to have due regard to the crossing of waters, the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground, the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, together with the necessary provisions while locating the same; and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor at one dollar and fifty cents per diem, two

Commissioners.

To view, &amp;c.

Per diem  
allowance.

chain bearers and one axe man, at a per diem allowance not exceeding seventy five cents.

SECTION 3. It shall be the duty of the said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and 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 September next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass, 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 and repaired in all respects as roads are opened and repaired, which are laid out by orders of the courts aforesaid.

Drafts of road  
where to be  
deposited.

SECTION 4. The accounts of the said commissioners for their own pay, and for the pay of surveyors, chain carriers, markers and provisioners, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Accounts of  
commission-  
ers & officers  
by whom p'd.

SECTION 5. The said commissioners shall meet on or before the first Monday in May next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies,  
how filled.

JAMES THOMPSON;  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.