

authority of the same, That Adam Wilt and William Cox, junior, of Juniata county, and Henry Lawyer of Perry county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at Coffman's mill in Perry county, thence by the nearest and best route so as to intersect the public road leading from Liverpool to Mifflintown, on the lands of Hugh M'Allister, in Greenwood township, Juniata county; that Alexander Wright of Mercer county, Enoch Marvin, and William Adair of Beaver county, be and they are hereby appointed commissioners to relevel that part of the state road leading from Mercer in Mercer county, to Georgetown in Beaver county, that is located between the borough of New Castle in Mercer county, and the Mahoning creek in Beaver county, and if they shall find it necessary and advisable, they are hereby authorized and required to relocate the said road on other ground, and vacate such part or parts of the said road as they shall alter or supply, by a new location, and the said commissioners shall be allowed one dollar and fifty cents each per day for every day necessarily spent in performing the duties hereby enjoined on them, which, together with all reasonable expenses for surveyors and any other necessary hands, shall be paid by orders drawn by the County Commissioners on the treasury of their respective counties; and that Joseph Hutchinson and Thomas Smith of the county of Northumberland, and William A. Petriken and Samuel Shoemaker of the county of Lycoming, be and they are hereby appointed commissioners to view, lay out and mark a state road from Watsonsburg in the county of Northumberland, thence by the nearest and best route to the borough of Muncy, in the county of Lycoming.

SECTION 2. That Joel Evans and James Ogden of Delaware county, and Richard M. Barnard and Samuel Irwin of Chester county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning in the road leading from the city of Philadelphia to Chadd's ford, at or near Isaac Hall's, in Nether Providence township, Delaware county, thence by Chadd's ford and New London cross roads, and continue in a direction towards the city of Baltimore, to the Maryland state line, in Chester county.

SECTION 3. It shall be the duty of the said commissioners respectively, for 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 hori-

zontal 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 the limit, and further, it shall be the duty of said commissioners respectively, 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 they shall clearly and distinctively 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 in 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, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive one dollar and fifty cents per day in addition, and in case neither of the said commissioners shall perform the duties of surveyor, then they are hereby authorized to employ one surveyor, at three dollars per diem, two chain-bearers and one axeman, at a per diem allowance not exceeding seventy-five cents.

Pay of commissioners & surveyor.

SECTION 4. It shall be the duty of the said commissioners respectively, 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 January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said roads may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said roads shall be to all intents and purposes public highways, 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.

Draft of road to be made.

Where deposited.

SECTION 5. The accounts of the said commissioners for their own pay, and for the pay of surveyors, chain carriers, and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and shall be paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

Commissioners of the respective counties to adjust accounts.

SECTION 6. The said commissioners shall meet on or before the first Monday in July next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said roads as soon as

Time of meeting.

Vacancies— as practicable, and if any vacancy or vacancies shall happen,
how filled. by resignation or any other cause, the court of Quarter Ses-
sions of the proper county, as the case may be, are hereby
authorized to fill the vacancy or vacancies by a suitable
appointment.

Gettysburg
and Hagers-
town turn-
pikeroad.

SECTION 7. The commissioners of the Gettysburg and Hagerstown turnpike road company. shall have full power to locate and contract for the making of said Gettysburg and Hagerstown turnpike road; and James Burns, William Cooper, Samuel Fahnestock, George Little, George W. McClelland, and R. W. Middleton, and George Irvin, shall be commissioners in addition to those already created for the purpose.

Viewers ap-
pointed to ad-
judge dama-
ges sustained
by J. Fussel-
man, G. Rea-
gan and Mag-
dalena Stine.

SECTION 8. That on the written application of Jacob Fusselman, George Reagan, and Magdalena Stine, of Albany township, in the county of Berks, or either of them, if the same shall be made within one year after the passage of this act, the judges of the court of Quarter Sessions of said county, are hereby authorized to appoint six disinterested men to view and adjudge the amount of damages (if any) sustained by the said Jacob Fusselman, George Reagan, and Magdalena Stine, or either of them, in consequence of a star road leading from the Union Iron works in Berks county, to Fogelsville in the county of Lehigh, passing through the county of Berks, having been laid out and carried through the lands of the said Jacob Fusselman, George Reagan, and Magdalena Stine, situate in Albany township in the county of Berks, and if the said viewers, or any five of them, after ten days notice thereof, given to the commissioners of Berks county, shall view the said lands, and any four of them shall agree as to the amount of damages sustained, the said viewers so agreeing shall make report of their proceedings to the next court of Quarter Sessions of said county, and if the court shall approve of the same, the commissioners of the county shall draw their several warrants on the treasurer of the same county, in favor of Jacob Fusselman, George Reagan, and Magdalena Stine, for the amount so awarded to them respectively, but if the viewers shall neglect to perform the duties required of them, or if the court shall disapprove of their report, they shall, as often as the case may require, appoint other viewers, who shall proceed therein in manner aforesaid, and it shall be the duty of the viewers in assessing damages, to take into consideration the advantages derived by said Jacob Fusselman, George Reagan, and Magdalena Stine respectively, from the said passing through their lands; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the same, which oath or affirmation so taken and subscribed, shall accompany their proceedings, and be filed in the office of the clerk of the court of Quarter Sessions of the county of

Report to be
made to the
court of Q. S.

Berks: Provided, That no person who was a petitioner for Proviso. the passage of the law authorizing the laying out of said road, shall be entitled to receive compensation or damage under the provision of this act.

SECTION 9. That the town council of the borough of Borough of Lebanon. Lebanon, be and they are hereby authorized and empowered to open an alley or court-way in said borough, commencing at a point on the east side of Doe alley, in the southern part of said borough, on the line of lots of Henry Debuff, and the heirs of John M'Gundle, deceased, said lot of Henry Debuff being numbered one hundred and sixty in the general plan of said borough, thence an easterly direction along the line of said lots, and lots numbered one hundred and sixty-one, one hundred and sixty-two, one hundred and seventy four, one hundred and seventy-three, one hundred and seventy-two, one hundred and seventy-one, and seven, in the general plan of said borough, and the lot of the heirs of John M'Gundle, deceased, in a line with Hill street, until it intersects Feason alley, on the south-east corner of lot number seven in the plan of said borough.

SECTION 10. That David Hanna of the county of Lycom- Commiss'rs. ing, Joseph F. Quay and Jacob Bolinger of the county of to run line Centre, be and they are hereby appointed commissioners for between the the purpose of running and marking the division line between counties of the counties of Centre and Lycoming, beginning at the Centre and mouth of Fishing creek, thence down the south side of Bald Lycoming. Eagle creek to the Bald Eagle bridge, thence to the dividing ridge between Nittany valley and Nipanose, so as to include all Nittany valley in Centre county, thence a direct course to the Tea spring, near the east end of Sugar valley, agreeably to an act passed the seventh day of January, one thousand eight hundred, and also to an act passed the twenty-third day of March, one thousand eight hundred and eighteen.

SECTION 11. That the supervisors of the township of Peters town- Peters in the county of Franklin, are hereby authorized and ship, Frank- required to dig out and make a sufficient turn in the state lin county. road leading from Hunter's Mill in Bedford county, to Samuel Toms in Franklin county, at the place where said state road intersects the Waynesburg, Greecastle and Mercersburg turnpike road, and the said supervisors are hereby authorized to vary the location of said state road, so far as may be necessary to effect said turn.

SECTION 12. That David Petriken, Edward M'Henry, Commiss'rs. and Clement G. Rechetts, of the county of Columbia, be to lay out and they are hereby appointed commissioners to view, lay state road in out and mark a state road from Kiles' tavern on the Berwick Columbia co and Tioga turnpike, thence by the nearest and best route through Rohrsburg, to Oringville in the county of Columbia.

SECTION 13. It shall be the duty of the said commissioners, or a majority of them, appointed to view as afore-

- said, after having been sworn or affirmed by 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 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 circumstances will permit, so that the vertical departure from a horizontal line in no point exceed three degrees; and further, it shall be the duty of the said commissioners to mark upon the ground the route agreed upon, in such 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 for every day they shall be necessarily employed in performing the duties of this act, 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 chain-bearers, and one axe-man, at a per diem allowance not exceeding seventy-five cents.
- Location of road.** SECTION 14. And it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, the courses and distances, as they occur, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of this 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 county of Columbia, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be in all intents and purposes a public highway, and shall be opened and repaired as other roads laid out by order of the courts.
- Commissioners' pay.** SECTION 15. The accounts of the commissioners for their own pay, and for the pay of surveyors, chain-bearers, and axe-man, shall be adjusted by the commissioners of the county of Columbia, and paid by the Treasurer thereof, on warrant drawn by the commissioners of the county aforesaid.
- Surveyor's pay.** SECTION 16. The commissioners shall meet on or before the first Monday of May next, or sooner if practicable, at such place or places as a majority of them may agree upon, and complete the said work as soon as possible; and if any vacancy or vacancies shall happen by resignation or otherwise, the court of Quarter Sessions of the county of Columbia are hereby authorized to fill the vacancy or vacancies.
- Draft to be made.** SECTION 17. The commissioners of the county of Centre are hereby authorized to subscribe on behalf of said county, to the stock of the Bald Eagle, Nittany and Brush valley
- Where deposited.**
- County commissioners to own and adjust accounts.**
- Time of meeting.**
- Vacancies how filled.**
- Commissioners of Centre co. authorized to subscribe.**

turnpike road company, any sum not exceeding one thousand dollars, to be expended in the construction of said road.

SECTION 18. That the provisions of the act entitled "An act to establish the Bank of Middletown," passed the ninth day of June, eighteen hundred and thirty-two, and the provisions of an act entitled "An act to recharter certain banks," passed the twenty-third day of April, A. D. one thousand eight hundred and twenty-nine, so far as the same relates to the bank of Gettysburg, and the provisions of an act entitled "An act to establish a bank at Northumberland, in Northumberland county, &c." passed the first day of April, eighteen hundred and thirty one; and the said banks shall be subject to the tax imposed by an act relative to banks, passed the first day of April, eighteen hundred and thirty-five, be and they are hereby extended for the further term of fifteen years.

SECTION 19. That Samuel Evans, John Morrison, and Dennis Springer of the county of Fayette, be and they are hereby appointed commissioners to view, lay out, and mark a state road, leading from the national road at or near the borough of Uniontown, or the town of Monroe, in the county of Fayette, by the nearest and best route to the Virginia state line, in the direction of Morgantown in the state of Virginia.

SECTION 20. 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 said 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 effect the route, so that 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 two dollars each for every day they shall be necessarily employed in

performing the duties of this act; 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 two dollars per day, two chain bearers, and one axe man, at a per diem allowance not exceeding seventy-five cents.

Time of meeting.

SECTION 21. The said commissioners shall meet on or before the first Monday in August next, or 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 Governor, or the court of Quarter Sessions of Fayette county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies—
how filled.

Draft to be made.

SECTION 22. It shall be the duty of the 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 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 January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county of Fayette, 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.

Where to be deposited

Commissioners of Fayette to adjust acc'ts.

SECTION 23. The accounts of the commissioners for their own pay, and for the pay of surveyors, chain carriers, and markers, shall be adjusted by the commissioners of the county of Fayette, and paid by the treasurer thereof, on warrants drawn in the usual way.

Releases to be taken.

SECTION 24. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*. Such releases can be obtained upon the condition that such road shall pass through such person or persons' land or lands, and file the same in the commissioners' office of the county of Fayette.

Proviso.

Commissioners to lay out road in Northumberland county.

SECTION 25. Ezra S. Hayhunt, John Fruit and John Achenbaugh, of the county of Columbia, be and they are hereby appointed commissioners to view, and if they deem it expedient, lay out and mark a state road, beginning at or near the house of John Stucker, in said county, thence through Rohrsburg and Jerseytown, to the borough of Milton, in the county of Northumberland, under the several

provisions and restrictions contained in the third, fourth, fifth and sixth sections of this act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, eighteen hundred and thirty-six.

JOS. RITNER.



No. 161.

An Act

Authorizing the Governor to incorporate the New Castle Railroad company.

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 Francis M. Bride, Samuel A. Purviance, John Bredin, George W. Reed, George Potts, William Steward, William Beatty, Joseph Emory, Joseph T. Boyd, Andrew Lewis, John Mitcheltree, James Banks, John Fisher, Robert W. Stewart, Amos Waugh, Thomas J. Porter, Jefferson Duncan, James R. Wick, Alexander Waugh, Armstrong Irwine, John B. Pearson, John Gallaway, William Watson, Samuel Wylie, and William Shaw, ^{Commissioners} be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the New Castle railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the New Castle ^{Form of subscription!}