

No. 29.

An Act

Authorizing the laying out and locating a State Road from a point at or near Mexico, in Juniata county, through Tuscarora Valley, by way of East Waterford and the Burnt Cabins, to intersect the Southern Turnpike Road, at or near Licking Creek Bridge, in Bedford county, and for other purposes.

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 James Ford and James Hudson of Huntingdon county, Jesse Beal and Stewart Turbett of Juniata county, and Joseph B. Noble, David Fore and Thomas Spear of Bedford county, be, and they are hereby appointed commissioners to view and lay out a state road from a point at or near Mexico, in the county of Juniata, through Tuscarora Valley, by the way of East Waterford and the Burnt Cabins, to intersect the Southern Turnpike road, at or near Licking Creek Bridge, in Bedford county.

Commissioners appointed, &c.

SECTION 2. That it shall be the duty of said commissioners, respectively, 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 said road may pass, and to 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 so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging, the declination of the said road may be preserved within that limit.

Commissioners to be sworn or affirmed.

Road to be nearly straight and graded so as not to exceed 5 degrees.

SECTION 3. That it shall be the duty of the commissioners, respectively, plainly and distinctly to mark on the ground the route agreed upon for the road 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, respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, one axe man, and one staff bearer, at a per diem allowance not exceeding one dollar, and the said commissioners, respectively, shall receive one dollar and seventy-five cents for each and every day while

Route to be marked.

Surveyor & others to be employed. Their pay.

necessarily employed in discharging the duties enjoined upon them by this act, to be paid as hereinafter directed.

Drafts of the road, &c.

SECTION 4. That it shall be the duty of the said commissioners to make out fair and accurate drafts 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 October next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which 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 the full breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Accounts of commiss'rs. to be adjusted and paid.

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

Time and place of meeting of commiss'rs. Vacancies.

SECTION 6. That the said commissioners shall meet at Mexico, on or before the first Monday in May next, or as soon thereafter as practicable, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or otherwise, 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.

Commiss'rs. appointed to lay out State Road, &c.

SECTION 7. That George W. Kerns, Christian Good, senior, of Cambria county, and Samuel Kimmell and Isaac Kauffman, of Somerset county, be, and they are hereby appointed commissioners to view, and lay out and mark a State Road from some point within nine miles of Ebensburg, on the Huntingdon, Cambria and Indiana Turnpike road, in Cambria county, by the nearest and best route, through Johnstown and Davidsville to Stoystown in Somerset county, and in the execution of said duty they shall be allowed, in addition to the usual number of hands, to employ a surveyor, at such wages as they may deem reasonable.

Commiss'rs. to be sworn or affirmed.

SECTION 8. It shall be the duty of the above named 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, to carefully view the ground over which the road by them to be laid out or reviewed may pass, and to 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 so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit.

SECTION 9. It shall be the duty of the commissioners plainly and distinctly to mark upon the ground the route agreed upon for the road by them laid out or reviewed 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 one dollar and fifty cents.

SECTION 10. 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 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 tenth 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 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 order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

SECTION 11. The compensation of the commissioners shall be one dollar and fifty cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay, and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively.

SECTION 12. The said commissioners shall meet at the place of beginning on the road before mentioned to be by

Time and place of the meeting of commiss'rs. them laid out, on the first Monday of June next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies.

Releases from any claim of damages.

SECTION 13. 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 to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners' office of the proper county.

Commiss'rs. of M'Kean Co. to appropriate \$5000 to certain roads.

SECTION 14. That the county commissioners of the county of M'Kean be, and are hereby authorized and required to appropriate, out of any monies arising from county rates and levies in said county, five thousand dollars, in manner following, to wit: Three thousand dollars on the road leading from Smethport, county aforesaid, to Canoe Place; two thousand dollars on the road leading from Smethport to the mouth of Kendall's creek, in Bradford township, county of M'Kean: *Provided*, That before any part of said monies shall have been expended, the nearest and most practicable route shall first be ascertained and established, by competent viewers, appointed by the court of Quarter Sessions of said county.

Commiss'rs. appointed to lay out State Road.

SECTION 15. James Huling and Richard Irwin of Venango county, and Philip G. Clover of Jefferson county, be, and they are hereby appointed commissioners to view, lay out, locate and mark a State Road from a point on the Susquehanna and Waterford turnpike, at or near Brookville, in the county of Jefferson, to Tionista, on the Allegheny river, in the county of Venango, by the nearest and best route.

Commiss'rs. to be sworn or affirmed.

SECTION 16. It shall be the duty of the above named 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, to carefully view the ground over which the road by them to be laid out may pass, and to lay out and locate 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 so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at the crossing of ravines and streams, where by moderate filling

How road to be laid out.

and bridging, the declination of the road may be preserved within that limit.

SECTION 17. It shall be the duty of the commissioners ^{Route to be} plainly and distinctly to mark upon the ground the route ^{marked, &c.} agreed upon for the road by them laid out or reviewed, 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, if necessary, to employ two chain bearers and one axe man, at a per diem allowance not exceeding one dollar.

SECTION 18. It shall be the duty of the commissioners to ^{Draft of road:} 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 crossing of the 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 tenth 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 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 order of the courts of Quarter Sessions of the peace of the several counties of this commonwealth.

SECTION 19. The compensation of the commissioners shall ^{Compensa-} be one dollar and fifty cents for each and every day neces- ^{tion of the} sarily employed by virtue of this act, and the accounts of ^{Commis'rs} the said commissioners for their own pay, and the pay of the ^{and others..} hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the ^{Accounts to} said road may pass, and paid by the treasurer thereof, on ^{be adjusted} warrants drawn in the usual way, and in proportion to the ^{and paid.} length of the road in such county respectively.

SECTION 20. The said commissioners shall meet at the ^{Time and} place of beginning, on the road before mentioned, to be ^{place of the} by them laid out, on the first Monday of June next, or sooner, ^{meeting of} as may best suit their convenience, and complete the loca- ^{Commis'rs.} tion of the road as soon as practicable, and if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county wherein such vacancy or vacancies shall happen, is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Release
from any
claim of da-
mages.

SECTION 21. It shall be the duty of the said commission-
ers to take from each and every person or persons owning
lands along the road by them to be laid out, acquittances or
releases from any claim of damages, upon the condition that
such road shall pass through the land of such person or per-
sons, and to file the same in the commissioner's office of the
proper county.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight
hundred and thirty-eight.

JOS. RITNER.

No. 30.

An Act

For the relief of George Serena and others, soldiers and widows of
soldiers of the Revolutionary and Indian wars.

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 authori-
ty of the same,* That the State Treasurer be, and he is hereby
authorized and required to pay to George Serena of Arm-
strong county, James McNamara of Crawford county, Lug-
wig Cupp and John Vinegardner of Allegheny county, Robert
Campbell of Washington county, Daniel M'Caskey of Bea-
ver county, Samuel Robb of Westmoreland county, Eli
Williams of Mifflin county, John Lincoln of Fayette county,
Jacob Erb of Montgomery county, Robert Boggs of Franklin
county, Samuel Howard of Mercer county, George Power of
Venango county, Peter Frey of Chester county, and John
Welsh of Butler county, soldiers of the Revolutionary and
Indian wars, or to their respective orders, forty dollars each
immediately as a gratuity, and an annuity of forty dollars
each during life, to be paid half yearly, commencing on the
first day of January, one thousand eight hundred and thirty-
eight.

Gratuities of
\$40 to Geo.
Serena and
others.

SECTION 2. That the State Treasurer is hereby authorized
and required to pay to John George Wilkins of Westmore-
land county, a soldier of the Indian war, and to Catharine
Deem of Montgomery county, widow of a soldier of the

Gratuities of
\$40 to Jno.
Geo. Wil-
kins & Cath.
Deem.