

burgesses of the said borough of West Chester; and if any person or persons so offending against the provisions of this section, shall neglect or refuse to pay the amount for which judgment may be, as aforesaid, rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons, so offending, shall be committed to the jail of the county of Chester, for any period of time not less than five nor more than thirty days, according to the direction of the justice rendering the said judgment.

Steam, water, horse or any other power may be used.

SECTION 8. Nothing in this act shall be taken to prevent the use of either steam, water, horse or any other power, in introducing water into the borough aforesaid, the same to be fixed upon and determined by the burgesses and assistant burgesses in council assembled.

Extra power may be used.

SECTION 9. The said burgesses and assistant burgesses of the borough aforesaid, are hereby authorized and empowered to apply any extra power that they may possess more than is sufficient to supply the said borough with the requisite quantity of water, to any manufacturing or other purposes, and the profits arising therefrom to be applied towards the payment of the interest, and the liquidation of the principal sum authorized to be borrowed by this act.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER,



No. 81.

An Act

Authorizing the laying out of a State road from the borough of Greensburg, in Westmoreland county to intersect with the Greensburg and Pittsburg Turnpike road, at or near the house of Henry Chalfant, on Turtle Creek, in Allegheny county.

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 Thomas Armstrong and Abraham*

Weaver of Westmoreland county, and Robert Carothers of Allegheny county, be, and are hereby appointed commissioners to view, lay out and mark a state road, beginning at the borough of Greensburg in Westmoreland county, to intersect the old Pennsylvania road where it crosses Brush run, at Lauffer's saw mill, and thence along said road westward, as far as may be practicable, to intersect with the Greensburg and Pittsburg Turnpike road, at or near the house of Henry Chalfant, on Turtle creek in Allegheny county.

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 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 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 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 and fifty cents per diem, two chain bearers, one axe-man and one target bearer, at a per diem allowance not exceeding seventy-five cents.

To be sworn
or affirmed.

How road to
be laid out.

Route to be
marked.

Compensat'n
of persons
employed.

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

Draft.

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 county 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 and repaired in all respects as roads are opened and repaired which are laid out by orders of the court aforesaid.

How
accounts
to be adjust-
ed & paid.

SECTION 4. The accounts of the said commissioners for their own pay and for the pay of surveyors, chain carriers, markers and target bearer, 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.

Time &
place of
meeting
of the com-
missioners.

SECTION 5. The said commissioners shall meet on or before the first Monday in June 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.

Releases.

Proviso.

SECTION 6. 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 commissioner's office of the proper county.

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER.