

No. 58.

## AN ACT

Authorizing the laying out a State Road from the borough of Allentown, Lehigh county, to the borough of Pottstown, Montgomery county, and from thence to West-Chester, in Chester 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 Philip Boyer, of Montgomery county, Michael Gehry and George Weiler, of Berks county, Solomon Fogel and Samuel Marx, of Lehigh county, Walter Hibberd and Thomas Bishop, of Chester county, be and are hereby appointed commissioners to view, lay out, and mark a state road, beginning at the borough of Allentown, Lehigh county; thence by the nearest and best route, to Dale and Mount Pleasant forges; thence by the nearest and best route to Boyerstown, all in said Berks county; thence by the nearest and best route, to intersect the Reading and Perkiomen turnpike road, at the borough of Pottstown, in Montgomery county; thence by the nearest and best route to Pughtown; thence by the nearest and best route to West-Chester, in Chester county.

Commissioners to view, lay out, and mark the road

Route of road

To be sworn or affirmed

Duties of commissioners

To mark route

**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 crossing at 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 effect 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 ful-

filling 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 fifty cents per day, in addition, and the said commissioners are hereby authorized to employ one surveyor, at two dollars per diem, two chain bearers, and one axeman, 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 January 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 and repaired, in all respects, as roads are opened and repaired, which are laid out by orders of courts aforesaid, and the damages sustained by the owners of private property, assessed and paid in the same manner.

SECTION 4. 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 paid by the treasurer's thereof, on warrants drawn in the usual way, in proportion to the length of road, in such county respectively.

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.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—This sixteenth day of March, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

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 fifty cents per day, in addition, and the said commissioners are hereby authorized to employ one surveyor, at two dollars per diem, two chain bearers, and one axeman, at a per diem allowance, not exceeding seventy-five cents.

Draft of road to be deposited in secretary's office and office of clerk of sessions, &c, on or before 1st January

Damages how paid

Accounts of commission'rs how adjusted

To meet on or before first Monday of June

Vacancy how supplied