

No. 83.

## AN ACT

Relative to certain state roads and highways, in the counties of Luzerne, Somerset, Monroe and Northampton.

*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 so much of the act of the third

Appropriation  
of certain road  
tax in North-  
moreland and  
Eaton, Lu-  
zerne county,  
repealed

of May, one thousand eight hundred and thirty-two, entitled "An act relative to certain state roads, and declaring certain creeks, highways, and for other purposes, as relates to the appropriation of road taxes in the townships of Northmoreland and Eaton; in the county of Luzerne, be and the same is hereby repealed, and the money now held by the treasurer of the said county, for or on account of road taxes assessed and levied on certain unseated lands in the said townships, lately belonging to the estates of Mathias Hollenback and Edward Tilghman, shall be paid to the respective supervisors of said township for the time being, upon orders of the commissioners of the said county, to be appropriated under the provisions of the general law in such cases provided.

Co'mmissioners  
to lay out road  
from Stoys-  
town to Ber-  
lin, Somerset  
county

*SECTION 2.* That Benjamin Kimmel, Alexander H. Philson, Esquire, Jacob Kimmel, (saw-miller) Peter Mowry, Philip Yoder, of Somerset county, be and they are hereby appointed commissioners to view and lay out and mark a state road from Stoystown, Somerset county, (in continuation of the state road, which terminates at that place,) by the nearest and best route to Berlin, in said county, and in the execution of said duty, shall be allowed in addition to the usual number of hands, to employ a surveyor at such wages as they may deem reasonable.

Surveyor

Co'mmissioners  
to be sworn  
and their du-  
ties

*SECTION 3.* That 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 and 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 verticle 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

Angle of as-  
cent or de-  
scent

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

SECTION 4. That 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.

SECTION 5. That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location noting therein the courses and distances from point to point, as they occur, the improvements passed through and also, the crossing 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 county 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 road 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 6. That 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 county, through which the said road may pass, and paid by the treasurer thereof on warrants drawn in the usual way, in proportion to the length of the road in such county.

SECTION 7. That the said commissioners shall meet at the place of beginning, on the road before mentioned to be by 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.

SECTION 8. That it shall be the duty of the said commissioners to take from each and every person or persons own-

Route to be marked

Chain carriers

Pay

Draft of road

To be filed in sect'rys office

And in office of clk sessions

Pay of commissioners

How paid

Time of meeting of commissioners

Vacancies how filled

Releases

ing 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.

State road  
from Easton  
to Milford re-  
pealed in part

SECTION 9. That so much of the state road leading from Easton to Milford, lying between Dill's ferry and the Monroe county line, as has been altered and supplied by the road from Howell's mills, by Stroudsburg and White Haven, to the Susquehanna and Lehigh turnpike road, near Conyngham, be and the same is hereby repealed, and the road so laid out to supply the same vacated, and shall be considered part of the state road leading from Easton to Milford.

Damages

SECTION 10. That the owner or owners of any land in the counties of Northampton and Monroe, through which any state road may have heretofore or may hereafter be opened or repaired, with funds appropriated by the legislature, may, and he, she or they are hereby authorized to present his, her or their petition, to the court of quarter sessions of the peace of said county, and the same proceedings are hereby directed to be had as are directed by the seventh, eighth, ninth and fifty-third sections of the act passed the thirteenth day of June, one thousand eight hundred and thirty-six, entitled an act relating to roads, highways and bridges.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

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

DAVID R. PORTER