

(except as to intersection) with the location or use of any of the rail roads, or other improvements already constructed. *Provided further*, That the legislature reserve the right to 5th proviso alter, revoke or annul the charter hereby granted, whenever, in their opinion, they shall deem the same injurious to the Legislature public interest, in such manner, however, that no injustice may annul shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-fourth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 161.

AN ACT

Authorizing the laying out of certain state roads, 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 William R. M'Laury, Reuben R. Purdy and Richard Lancaster, of Wayne county, be, and they are hereby appointed commissioners to view, lay out and-mark a state road from the Milford and Owego turnpike road, commencing at the house of William R. M'Laury, in Texas township, Wayne county, thence by the way of Purdy settlement, in said county, by the nearest and best route to the Sterling and Newfoundland turnpike road, near the house of James Simons, near the Pike county line.

SECTION 2. It shall be the duty of the said commissioners, or a majority of them, (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 laid out by them may pass, and lay out the same on the most suitable and proper ground, and that they shall clearly and distinctly mark

Commissioners to lay out Milford and Owego turnpike road
Commencement and termination

Duty of commissioners

To mark the route

upon the ground the route agreed, and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive one dollar and fifty cents for every day they shall be necessarily employed in performing their duties under this act, and the said commissioners are authorized to employ one surveyor at two dollars per day, two chain-bearers and one axe-man at a per diem allowance not exceeding one dollar.

Draft **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 December next, and one copy in the office of the clerk of the court of quarter sessions of the county of Wayne, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof.

To be filed in Secretary's office **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 said county, and paid by the treasurer thereof, on warrants drawn in the usual way.

Commissioners to adjust accounts **SECTION 5.** The said commissioners shall meet on or before the first day of September next, 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.

Time of meeting **SECTION 6.** That Amzi L. Woodward, Rudolphus Bingham and Thomas H. R. Tracy, be, and they hereby are appointed commissioners to lay out and locate a state road from the borough of Honesdale, in Wayne county, to Rudolphus Bingham's, in Pike county, with like powers and privileges to perform similar services, and to receive the same per diem allowance that are granted to and required of, the commissioners appointed by this act, to lay out a state road from William R. M'Laury's to James Simon's, 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 counties through which the said road may pass, and paid by the respective treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in said county.

Commissioners

State road from Honesdale, in Wayne co., to Bingham's, in Pike co.

SECTION 7. That Samuel Hamilton, of Beaver county, State road Mathew Graham, of Butler county, and John Scout, of Allegheny county, be, and are hereby appointed commissioners to view, lay out and mark a state road, beginning at Darlington, in Beaver county, thence, by the nearest and best route, to the city of Pittsburg, Allegheny county, from Darlington, in Beaver co., to Pittsburg

SECTION 8. 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 laid out by them 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 four degrees, except at crossing 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 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 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 axe-man at a per diem allowance not exceeding one dollar. Duty of commissioners

SECTION 9. It shall be the duty of 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 October next, and one copy in the office of the clerk 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 Draft of road - To be filed in Secretary's office

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.

Adjustment of
accounts

SECTION 10. 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 be paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Meeting of
commission-
ers

SECTION 11. The said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as practicable, at such place 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 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.

Commission-
ers to lay out
State road
from H Wiles
to Harrisville,

SECTION 12. That David C. Cunningham, John Black and Peter Shira, be, and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at or near Henry Wiles' farm, in Armstrong county, thence by the nearest and best route to Harrisville, in Butler county.

Duties of
commission-
ers

SECTION 13. 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 the 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 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 in this act enjoined, the commissioners herein mentioned shall receive a per diem

allowance of one dollar and fifty cents each, for every day Pay 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 axe-man at a per diem allowance not exceeding seventy-five cents.

SECTION 14. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of *Draft of road* 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 To be filed in next, and one copy in the office of the clerk of the court of office of secretary of state 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, 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.

SECTION 15. 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 treasurers thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively. *Adjustment of accounts*

SECTION 16. The said commissioners shall meet on or *Time of meeting of commissioners* before the first Monday in June next, or as soon thereafter as practicable, at such place 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.

SECTION 17. That from and after the passage of this act, it shall and may be lawful for the *Pittsburg farmers' and mechanics' turnpike road company*, (if they shall deem it expedient) to exempt all wagons transporting coal over said road, *Pittsburg farmers' and mechanics' turnpike, may exempt wagons, &c. from payment of toll* having wheels or tire of six inches or more in breadth, from one half the rates of toll to be taken by said company in other cases, and to assess upon all wagons whose wheels or tire are less than six inches in breadth, fifty per centum additional over and above the usual tolls.

SECTION 18. That from and after the passage of this act, the streets and alleys within the limits of the plots formerly called Hughesburg including, Roberts' addition to the town of Catawissa, in the county of Columbia, shall, and are hereby declared to be public highways, and as such shall be opened, improved and kept in repair as other highways of this commonwealth, are opened, improved, and kept in repair. *Provided,* That nothing in this section be so construed as to interfere with private property.

SECTION 19. That Jeddiah Irish and Daniel J. Labar, of Northampton county, John Bitterly, and Abraham Jorr, of Luzerne county, Thomas Hess, and States B. Yantz, of Columbia county be, and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at or near the mouth of Laurel run, in Lausanne township, Northampton county, thence by the nearest and best route between Spring mountain and Pissmire hill, to the town of Beaver Meadow, thence by the nearest and best route to Summittown, in Luzerne county, thence by the nearest and best route to intersect the state road leading from Millinville, in Columbia county, to Tamaque, in Schuylkill county.

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 laid out by them 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 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 fifty cents per day in addition,

Streets and alleys in Hughesburg, Columbia co., to be public highways

Proviso

State road from Laurel run, in Northampton co., to state road leading from Millinville to Tamaque

Duty of commissioners

Route to be marked

Pay, &c.

and the said commissioners are hereby authorized to employ one surveyer at two dollars per diem, two chain bearers and one axe-man, at a per diem allowance not exceeding seventy-five cents.

SECTION 21. 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.

Draft of road
To be filed in secretary's office, &c.

SECTION 22. 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 treasurers thereof, on warrants, drawn in the usual way, in proportion to the length of road in such county respectively.

Accounts of com'rs, &c., how adjusted

SECTION 23. The said commissioners shall meet on or before the first Monday in August 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.

Time of meeting of com'rs
vacancies

SECTION 24. That the time for the meeting of the commissioners to lay out a state road from York Haven to Wrightsville, in the county of York, and all the provisions of the act of the thirtieth of March, eighteen hundred and thirty-eight, authorizing the laying out said road, be extended for the term of one year from the passage of this act, and that George Gotwalt, John Emig, Jacob Lahman, Joseph Wilson, John Brillinger, Andrew Leitner, and Joseph Detwiler, be appointed commissioners in place of those appointed by said act, who have neglected to enter on the duties thereby required.

From York Haven to Wrightsville, time extended
New com'rs appointed

SECTION 25. That Robert Wallace, Robert Davidson and Richard D. Hudson, be and they hereby are appointed commissioners to view and lay out a state road from Brighton, in Beaver county, to New Castle, in Mercer co. **Duty of commissioners**

From Brighton, in Beaver co., to New Castle, in Mercer co.

to the Irish Ripple; and thence upon the eastern side of said river to New Castle, in Mercer county, in such a manner that the vertical departure from a horizontal line in ascending and descending the hills, shall not exceed five degrees, except at the crossing of ravines, where moderate allowances may be made for cutting and filling, or as nearly so, as the nature of the ground over which said road may pass will permit; and the said commissioners are hereby authorized to call to their assistance one competent artist, two chain bearers and one axeman. The said commissioners and their artist, to receive each two dollars per day for every day necessarily employed on said view, and the chain bearers and axeman, one dollar and twenty-five cents for every day necessarily employed in their service, to be paid out of the county treasuries, as road viewers are usually paid. Drafts of said road to be made out and deposited to commissioners and their assistants, as is usual in case of state roads.

Pay per diem

Draft to be made and deposited

SECTION 26. That the commissioners appointed by an act passed the fourteenth day of April, one thousand eight hundred and thirty-eight, to expend an appropriation on the state road from Beaver Bridge to the Ohio state line, near Petersburg, shall have power to review, re-locate and vacate, said road, in such manner as they may think proper. *Provided,* That the grade shall not exceed five degrees elevation from a horizontal level; and that said commissioners are hereby authorized to employ a competent artist, two chain bearers and one axeman. The said commissioners and artist, to receive two dollars per day, chain carriers and axeman, one dollar and twenty-five cents for each and every day necessarily employed, the whole of the said expense to be paid out of the treasury of Beaver county, and before entering on their respective duties, to be severally sworn or affirmed, as required by the existing road laws of this commonwealth in the case of county roads; and it shall be the further duty of said commissioners, to make out and deposit in the office of the clerk of the court of quarter sessions of Beaver county, a copy of a plot or draft of said road, and also to deposit a similar copy in the office of the secretary of this commonwealth.

Commissioners to review state road from Beaver bridge to Ohio state line near Petersburg

Proviso

Pay

Com'rs to be sworn or affirmed

Draft to be deposited in Secretary's office

SECTION 27. That Jacob Shearer and John Foulkrod, of Philadelphia county, and Merrick Reader and Jesse Johnson, of Bucks county, be and they are hereby appointed commissioners to view, lay out and mark, a state road, beginning at

From Mechanicsville, Philad'a co.,

or near the blacksmith shop in Mechanicsville, Byberry township, Philadelphia county; thence by the nearest and best route, so as to intersect the public road leading from Byberry meeting house, in Philadelphia county, to Dunk's Ferry, in Bucks county, near Joseph P. Knight's gate, in Bensalem township, Bucks county. 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 shall be paid by orders, drawn by the county commissioners on the treasury of their respective counties.

Pay of com'rs

SECTION 28. It shall be the duty of the said commissioners, respectively, 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, 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 distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same.

Duties of commissioner

Route to be marked

SECTION 29. 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 matter 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 February 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 sooner if convenient, 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.

Draft of road

To be deposited in secretary's office &c.

SECTION 30. The said commissioners shall meet on or before the first Monday of August 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.

SECTION 31. That all persons owning land upon which said road may pass, upon application, may obtain damages from their respective counties, the same as in roads that are laid out by orders of the courts of said counties.

SECTION 32. That so much of a supplement to an act entitled, "An act authorizing the commissioners of the county Philadelphia, upon certain conditions to widen, grade and culvert, a certain portion of Broad street, in said county, and for other purposes," passed the twenty-seventh day of March, Anno Domini, eighteen hundred and thirty-nine, as requires the owners of property to McAdamize thirty feet in width of said street, be and the same is hereby repealed.

SECTION 33. That the sum of twelve thousand dollars, authorized to be paid by the county of Philadelphia for widening, culverting, and grading the said street, shall be refunded to the county of Philadelphia by any company that may hereafter be authorized to make or construct a rail road down said street within the limits as aforesaid.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-fourth day of June, eighteen hundred and thirty-nine.

DVAID R. PORTER.