

[No. 94.]

AN ACT

Authorizing a review of part of the Emlinton and Centreville state road, 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 Benjamin Lowe, John Murrin, and John Black, of Butler county, be and they are hereby appointed commissioners to review that part of the Emlinton and Centreville state road which lies between Emlinton in Venango county, and Murransville in Butler county, with power to alter the location of the same, whenever it may be necessary, having due regard to the best ground and nearest distance, so that it shall not exceed an inclination of five degrees.

Commissioners to review part of Emlinton and Centreville road.

SECTION 2. That the said commissioners, or a majority of them, shall proceed to perform the duties enjoined on them by this act on or before the first day of August next, and shall cause a draft of the survey of the said road, as they may locate, to be deposited in the office of the secretary of the commonwealth, and shall also deposite a copy thereof in the office of the clerk of the Court of Quarter Sessions of Venango county, and a copy in the office of the clerk of the court of Quarter Sessions of Butler county, and the road so located shall be to all intents a public highway, and shall be opened and kept in repair in the same way in all respects as other roads are opened and repaired.

Duty of commissioners.

Draft to be filed in secretary's office.

SECTION 3. That the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe before some justice of the peace an oath or affirmation faithfully and impartially to perform the duties herein enjoined on them, and each of the said commissioners shall receive one dollar for each day he shall be necessarily employed in altering and making said road, and in case any of the said commissioners shall perform the duties of surveyor he shall have fifty cents per day in addition, and the said commissioners are hereby authorized to employ two chain-bearers and one axeman, at a per diem allowance not exceeding seventy-five cents. The accounts of the said commissioners for their own pay, and the pay of chain-carriers and axemen, shall be adjusted by the commissioners of the respective counties

Commissioners to be sworn or affirmed.

Pay of commissioners.

through which the said road shall pass, and paid by the treasurer thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

SECTION 4. That from and after the first Monday of November next, the repairs of that portion of the Cumberland Road which passes through Pennsylvania, shall be under the superintendence and direction of one commissioner, who shall be appointed by the Governor, and shall hold his office for the term of three years, unless sooner superseded, and shall receive for his services three dollars per day, for each and every day necessarily engaged in the performance of his duties.

SECTION 5. That the commissioner so appointed shall previous to his entering upon the duties of his office, give bond to the commonwealth for the faithful performance of the duties of his office in the penal sum of ten thousand dollars, with surety to be approved by the Court of Common Pleas of the county of Fayette or Washington.

SECTION 6. That the said commissioner shall, annually, render to the Courts of Common Pleas of the counties of Fayette and Washington, an account of all the receipts and expenditures on the said road specifying the receipts and expenditures of each county, and said court shall appoint auditors to settle and adjust the amount so rendered by said commissioners, and the amount when so settled and adjusted by said auditors, shall be published in at least one newspaper in each of the counties of Fayette and Washington.

SECTION 7. That in case the said commissioner shall be dissatisfied with the adjustment of his account by the auditors, so, as aforesaid appointed, he may appeal to the said court, and they shall direct an issue to try the same, if required.

SECTION 8. That the Courts of Common Pleas in and for the counties of Fayette and Washington, shall have power to appoint auditors to settle and adjust the accounts of the present commissioner on said road, up to the time at which their commissions shall expire, in the same manner as prescribed in the sixth and seventh sections of this act.

SECTION 9. That so much of the act of the fourth of April, eighteen hundred and thirty-one, and also, of the supplement, passed the first of April, eighteen hundred and thirty-five, as is altered or amended by the present act, is hereby repealed.

SECTION 10. That John Montgomery, Thomas Wood, Daniel Buck, of Lycoming county, and Michael Reader, Philip Dimm, of Northumberland county, be and they are hereby appointed commissioners to view, lay out, and mark a state road from Absalom Lewis', in Lycoming county, to or near Leonard Roub's, in Northumberland county.

SECTION 11. 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

Accounts of
commission-
ers, &c. how
adjusted.

Repairs on
Cumberland
road to be su-
perintended
by a commis-
sioner.

How appoint-
ed.
Pay of.

Give bond.

Annual publi-
cation of re-
ceipts and ex-
penditures.

Appeal.

Court of Com-
mon Pleas,
power.

Commission's
to view road
from Absalom
Lewis', Ly-
coming co. to
near Leonard
Roub's in
Northumber-
land county.

Duty of Com-
missioners.

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 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 axeman, at a per diem allowance not exceeding one dollar.

Compensation.

Draft of road.

Where deposited.

SECTION 12. 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 crossings 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 Monday of November 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.

Expense how, when, and by whom paid.

SECTION 13. 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 the road in such county respectively.

Meeting.

Vacancies.

SECTION 14. The said commissioners shall meet on or before the first Tuesday in September next, or as soon thereafter as practicable, at such places as a majority of them may 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.

Comm'rs under a former act authorized to complete state road.

SECTION 15. That Samuel Irwin, James Kelton, Abraham Hamor, Harlan Gause, and George Gawthrop, commissioners appointed by and under the act, entitled an act to provide for the repairs and to continue the improvements of the state, and for other purposes, passed the fourteenth day of April, one thousand eight hundred and thirty-eight, to direct the grading of a certain state road in the county of Chester, be and they

are hereby authorized to prosecute the same to completion agreeably to the provisions of said act.

SECTION 16. That so much of the tenth section of the act to which this is a supplement, as requires the auditors of each county through which said road passes, within two years after the monies thereby appropriated shall have been drawn from the State Treasury, to settle the accounts of the commissioners appointed by the said act, be and is hereby so amended that, so far as the auditors of Chester county are concerned; the time therein specified for the settlement of the accounts of the commissioners above named, be and the same is hereby extended for the term of one year.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 95.]

A FURTHER SUPPLEMENT

To an act to authorize the printing and distribution of the pamphlet laws in the German language.

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 it shall be the duty of the county commissioners of the several counties of the commonwealth, immediately on the receipt of this act, and annually thereafter, in the month of January, to issue their precepts to the assessors of each township, ward and borough of their respective counties, directing such assessors, in addition to the duties now enjoined on them by law, to receive subscriptions for the pamphlet laws in the German language, which precept of the commissioners shall be accompanied with a copy of this section, and upon the receipt thereof the said assessors shall immediately give notice in at least six written or printed hand-

Duties of Co.
Comm'rs.

Duties of As-
sessors.