

Proviso. *Provided*, That nothing herein contained shall be so construed as to prevent the filing of any other objection to the settlement of said account in the usual manner.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 127.]

A N A C T

For the extension of a State Road, from the Virginia State line, near the town of Blacksville, to the town of Waynesburg, in Greene county, 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 Mark Gordon, David Spragg, and Richard Ledwith, of the county of Greene, be and they are hereby appointed commissioners to view and lay out a state road from Waynesburg, in Greene county, to the Virginia state line near Blacksville, Virginia, by the nearest and best route.

SECTION 2. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing 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 said road 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, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossings, ravines and streams, when by a moderate filling or bridging, the declination of the said road may be preserved in that limit.

SECTION 3. That it shall be the duty of said commissioners respectively, plainly and distinctly, to mark the ground on the route agreed upon for the road aforesaid, in such manner as to

Commissioners to view state road from Waynesburg to the Virginia state line near Blacksville.

Commissioners to be sworn or affirmed.

Route to be marked.

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 one surveyor, at a per diem allowance not exceeding one dollar and fifty cents, and two chain carriers, at a per diem allowance not exceeding one dollar; and the said commissioners, respectively, shall receive a per diem allowance of one dollar and fifty cents for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 4. That 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 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 third Monday of January next, and one copy in the office of the clerk of the court of Quarter Sessions of Greene county, 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 open to the breadth and repaired in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid.

Draft of road.
To be deposited in Secretary's office.

SECTION 5. That the accounts of said commissioners, for their own pay and the pay of surveyors, chain carriers, &c. shall be made out and returned to the commissioners of Greene county, and they shall be paid out of the treasury of said county, on warrants drawn in the usual way.

Commissioners to adjust accounts.

SECTION 6. That the said commissioners shall meet at the town of Waynesburg, in Greene county, on or before the first Monday in September, or as soon thereafter as practicable, 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 Greene county shall fill said vacancy or vacancies, by the appointment of suitable persons who shall perform said duty.

Time of meeting.

SECTION 7. That David Dougle, David Logan, & Wm. Walker, of Butler county, be and they hereby are appointed commissioners, to view and lay out a state road from a point on the Butler and Freeport turnpike road, through the town of Saxonburg, in Butler county, to intersect the Tirentum and Freeport road, near the borough of Freeport, in the county of Armstrong.

Commissioners to lay out Butler and Freeport turnpike road. Commencement and termination.

SECTION 8. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with fidelity,

Duty of commissioners.

and carefully view the ground over which said road may pass and lay out the same as near to a straight line, between the said points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossing ravines and streams, when by moderate filling or bridging the declination of the said road, it may be preserved within that limit.

To mark the route.

SECTION 9. That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark, or cause to be marked, the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisor, readily, to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ one surveyor, at a per diem allowance not exceeding one dollar and fifty cents, and two chain carriers, at a per diem allowance not exceeding one dollar, and the said commissioners, respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act; to be paid in manner and form as hereinafter directed.

Draft of road.

SECTION 10. That 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, improvements passed through, and also the crossing of 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 Butler county, on the day aforesaid, or sooner if 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 to the breadth and repaired in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid.

To be filed in Secretary's office.

Adjustment of accounts.

SECTION 11. That the accounts of the said commissioners, for their own pay and for the pay of surveyor, 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 thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Time of meeting.

SECTION 12. That the said commissioners shall meet on or before the first Monday of July next, or as soon thereafter as is practicable; and if any vacancy or vacancies should happen, by resignation or otherwise, the court of Quarter Sessions of Butler county shall fill said vacancy or vacancies by the appointment of other suitable persons, who shall perform said duty.

SECTION 13. That William Staples, Charles C. Price, of

Monroe county, Hartsel Calton, of Wayne county, or any two ^{State road} of them, are hereby appointed commissioners to view and lay ^{from E. Prices} out a state road from Eleasor Price's, on Brodhead's creek, to ^{to Sterling &} the Sterling and Newfoundland turnpike, in Wayne county, ^{Newfound-} near the Moravian church, with power to locate said road; and ^{land turnpike,} when they shall have reviewed and located said road; it shall ^{Wayne co.} be their duty to make out a correct plot or draft of said road, ^{Draft of road.} designating the lines thereof, and deliver the said plot or draft to the recorder of Monroe county; and the said commissioners shall receive one dollar and fifty cents per day, for every day ^{Pay.} necessarily employed in locating said road, to be paid by the treasurer of their respective counties, in proportion to the time occupied in each county, in laying out said road; and it shall be the duty of the commissioners to review and lay out said road on or before the first day of January next.

SECTION 14, That Robert Faulkner and Stephen Littlefield, ^{State road} of Warren county, Richard Renshaw, Alonzo J. Wilcox, and ^{from Warren} Divan D. Miner, of McKean county, or any three of them be and ^{to West} they are hereby appointed commissioners to view and locate a ^{creek, M'Kean} state road from Warren, in Warren county, to the mouth of West ^{county.} creek, in M'Kean county, by way of Williamsville, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct ^{Draft of road.} plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of the county of McKean; and the said commissioners shall be entitled to receive one dollar and fifty cents per day, for every day ^{Pay.} necessarily employed in said location, to be paid by the treasurers of McKean and Warren counties, in equal proportions, on the order of the commissioners of the said respective counties, and that the said commissioners are hereby authorized to employ all necessary hands to complete the same, and to be paid as the said commissioners are.

SECTION 15. That six managers, and no more, shall here- ^{Managers of} after be elected by the stockholders of the Abington and Water- ^{Abington and} ford turnpike road company, passed the first day of February, ^{Waterford} one thousand eight hundred and twenty-three, and that three ^{turnpike lim-} managers, so elected with the president, shall constitute a ^{ited to six.} quorum, to do and conduct the business of said company, and that so much of any act of Assembly, as is hereby altered or ^{Repeal.} supplied, be and the same is hereby repealed.

SECTION 16. That Anthony Wolf, of Centre county, and ^{State road} Henry Null, of Union county, and Jacob Sitsel, of Northum- ^{from Heven-} berland county, be and they are hereby appointed commission- ^{ling's mill,} ers to view and locate a state road from Hevenlings mill, in ^{Union co., to} West Buffalo township, Union county to Elk creek, in Miles ^{Elk creek,} township, Centre county, with power to locate and fix said road; ^{Centre co.} and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said road, ^{Draft.} designating the lines thereof and deliver the plot or draft

Pay.

to the recorder of the county of Union, and the said commissioners shall be entitled to receive one dollar and fifty cents per day, for every day necessarily employed in said location, to be paid by the treasurers of Union and Centre counties, in equal proportions, on the order of the commissioners of the said respective counties. It shall be the duty of the commissioners to review and lay out said road on or before the second Tuesday of September next.

Wharf street
continued.

SECTION 17. That Wharf street, in the district of Southwark, south of Prime street, shall be continued as follows:—beginning at a point on the south side of the said Prime street, and east side of Wharf street, as the said Wharf street is laid out from South street to Prime street, thence continuing for the east line of the said Wharf street, in a south-eastwardly direction, until the east line of the said Wharf street shall cross a point on the north side of Moore street, at the distance of two thousand three hundred and forty-two feet east of the east line of Front street, measuring along the north line of Moore street, thence continuing in the same direction until the said Wharf street shall reach the basin of the Delaware and Schuylkill canal, which said Wharf street, so laid out, shall be continued the whole distance of the width of fifty feet, and that so much of all and every street in the said district of Southwark, as is or have been laid out east of the said Wharf street, as the same is hereby located, be and the same are hereby declared to be vacated.

Moore, Morris
and Franklin
streets con-
tinued.

SECTION 18. That Moore street, Morris street, and Franklin street, in the townships of Moyamensing and Passyunk, shall be continued westwardly of the breadth of fifty feet from their present western termination at Broad street, in lines parallel with South or Cedar street, until the said Moore street, Morris street and Franklin street, shall reach the Delaware and Schuylkill canal.

Dickerson &
Reed streets
continued.

SECTION 19. That Dickerson street and Reed street, the whole distance of the breadth of fifty feet, shall be continued from their present western termination, in the district of Southwark, westwardly through the townships of Moyamensing and Passyunk, in parallel lines with South and Cedar street, until the said Dickerson street and Reed street hereby laid out and located, shall reach the Delaware and Schuylkill canal, and so much of Dickerson street and Reed street as has been heretofore laid out between the Buck lane and Passyunk road, be and the same are hereby vacated,

Wharton st.
continued.

SECTION 20. That Wharton street shall be continued from its present termination, in the district of Southwark, westwardly through the townships of Moyamensing and Passyunk, parallel with South or Cedar street until it reaches the Delaware and Schuylkill canal, and the said Wharton street shall be and extend all the distance aforesaid of the full width of fifty feet, except so much of said street as is located between Passyunk

road and Tenth street, which portion of said street shall be as much more than fifty feet in width, as will be necessary to extend it from the southern line, as laid down by this act, to northern line of said Wharton, as laid down and located by the commissioners, under an act of Assembly passed the thirteenth day of April, one thousand eight hundred and thirty-five, and so much of said Wharton street as has been heretofore laid out between the Buck lane and Passyunk road, be and the same is hereby vacated, except so much as lies between the northern line of said Wharton street—and Wharton street as laid down by this act, and located between Passyunk road and Tenth street.

SECTION 21. Wolbert street, Hampton street, Alexander Wolbert, street, Burden street, Willow street, Grover avenue, Ashton Hampton, street, Schuylkill Front street, Schuylkill Second street, Schuyl- Alexander, kill Third street, Schuylkill Fourth street, Schuylkill Fifth Willow, Gro- street, Schuylkill Sixth street, Schuylkill Seventh street, and ver avenue, Schuylkill Eighth street, be and the same are hereby declared Ashton, Schuylkill to be continued southwardly parallel with Broad street, from front, 2d, 3d, their present southern termination in the township of Passyunk, 4th, 5th, 6th, until the said streets shall reach the Delaware and Schuylkill 7th, and 8th streets con- canal; which said streets so continued as aforesaid, shall be ex- tinued, tended the whole distance to the said Delaware and Schuylkill canal, of the same width to which they are now widened from South or Cedar street, southwardly through the said township of Passyunk.

SECTION 22. That Sutherland avenue, in the said township of Sutherland Passyunk, be and the same is hereby declared to be continued avenue con- in a direct line from its present termination at Peltz street, until tinued. it reaches the Delaware and Schuylkill canal, which said Sutherland avenue shall be continued and extended the whole distance to the said Delaware and Schuylkill canal, of the same width to which it is now widened, from South or Cedar street, to the said Peltz street.

SECTION 23. That a new street to be laid out from Broad Oakford street street to the Delaware and Schuylkill canal, through the town- laid out. ships of Moyamensing and Passyunk, between Wharton and Federal streets, called Oakford street, as follows:—beginning for the south side of said Oakford street, at a distance of three hundred and seventy-nine feet from the north side of Wharton street, as the said Wharton street is laid out and located by this act, and thence extending westwardly parallel with South or Cedar street, until it reaches the Delaware and Schuylkill canal, which said Oakford street is to be and extended of the breadth of fifty feet during all the distance aforesaid.

SECTION 24. That a new street be laid out in the township Lyons street of Passyunk, from Federal street to Sutherland avenue, called laid out. Lyons street, the east line of the said Lyons street being three hundred and ninety-six feet west of the west side of Wolbert

street, and extending parallel with Broad street, of the width of fifty feet, during the whole distance from Federal street to Sutherland avenue.

Comm'rs. to
Lay out state
road from
road crossing
line of Beaver
and Mercer
counties to
New Castle,
Mercer co.

SECTION 25. That Henry Pearson, of Mercer county, John White and Samuel Cairns, of Beaver county, be and they hereby are appointed commissioners to view and lay out a state road, from where the state road from Beaver to Mercer crosses the line between said counties, to New Castle in Mercer county.

Duty of com-
missioners.

SECTION 26. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing 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 said road may pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road, it may be preserved within that limit.

To mark the
route.

SECTION 27. That it shall be the duty of said commissioners, plainly and distinctly, to mark the ground on the route agreed upon for the road 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 one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, at a per diem allowance not exceeding one dollar and twenty-five cents, and the said commissioners, respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Draft.

SECTION 28. That 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, improvements passed through, and also the crossing of 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 Beaver county, 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 to the breadth and repaired, in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid.

To be filed in
Secretary's
office.

SECTION 29. That the accounts of said commissioners, for their own pay and the pay of surveyors, chain carriers, &c

shall be made out and returned to the commissioners of Beaver and Mercer counties in proportion to the time severally spent by them in each of the respective counties in locating said road, and that they be paid out of the treasury of each of the aforesaid counties on warrants drawn in the usual way.

SECTION 30. That the said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable; and complete the review 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 Beaver county shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 128.]

AN ACT

Relative to County Auditors, 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 from and after the passage of this act, if any county auditor within this commonwealth, who shall have taken upon himself the duties of such office, shall neglect or refuse to perform the duties enjoined upon such office by law, he shall forfeit the sum of one hundred dollars, to be recovered by the county, as debts of like amount are recoverable.

Penalty when county auditors neglect or refuses to perform duty.

SECTION 2. That there shall be and is hereby erected into a body corporate, an association for the education of youth, in the arts, sciences and useful literature, in Sadsbury township, in the county of Chester, to be entitled the Moscow academy, of which Robert Belville, James Latta, William W. Latta, Jonathan Schofield, David Agnew, Joseph Wiley, and

Moscow academy established.

Name.