

[No. 55.]

AN ACT

Authorizing the laying out and locating a State Road from Hollidaysburg, in Huntingdon county, to the Cherry Tree on the Susquehanna river, in Indiana county, and declaring Anderson's creek, in Clearfield county, public highway, 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 Peter Hewit and Elias Baker, of Hunting-* Commis'rs
don county, Henry J. Maguire, Robert Cresswell and James Ross, of Cambria county, and Heth F. Camp, of Indiana county, or any three of them, be and they are hereby appointed commissioners, to view and lay out a state road from Hol- Route
lidaysburg, in Huntingdon county; thence by the nearest and best route, to a place called the Cherry Tree, being a corner of the counties of Cambria, Clearfield, and Indiana.

SECTION 2. *That it shall be the duty of said commissioners respectively, or any three of them—after taking and subscribing* Qualification
an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality Duties
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 crossing ravines and streams, where by moderate filling or bridging the declination of said road, it may be preserved within 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* Mark route
as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are, hereby authorized to employ Surveyor &c
one surveyor, at a per diem allowance not exceeding two dol- compensation
lars, and two chain carriers and one axeman, at a per diem allowance not exceeding seventy-five cents to each. And the said commissioners respectively, shall receive a per diem Comm'rs pay
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.

- Drafts** **SECTION 4.** That it shall be the duty of said commissioners, to make out fair and accurate drafts 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 twentieth day of January next, and one copy in the office of the clerk of the court of quarter sessions, of each of the counties in which any portion of the said road may be located, on or before the said twentieth day of January next, 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 courts of quarter sessions aforesaid.
- Where deposited**
- Comm'rs accounts how settled &c** **SECTION 5.** That the accounts of said commissioners for their own pay, and the pay of surveyors, chain carriers and so forth, shall be made out and returned to the commissioners of the respective counties in which any portion of the said road may be located, in proportion to the time 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.
- To meet first May next** **SECTION 6.** That the said commissioners shall meet at the borough of Hollidaysburg, in the county of Huntingdon, on or before the first day of May next, 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 Huntingdon county, shall fill said vacancy or vacancies, by the appointment of suitable persons, who shall perform said duty.
- Anderson's creek declared a public highway** **SECTION 7.** That Anderson's creek, in Clearfield county, from the mouth thereof to Brady's mills, shall be and the same is hereby declared a public highway, for the passage of rafts, boats and other water craft; and it shall be lawful for the inhabitants desirous of using the navigation of said creek, to remove all natural and artificial obstructions which may be in the same, excepting bridges, dams for mills, or other water works; and also to erect such slopes at the mill dams now built on said creek, as may be necessary for the passage of rafts, boats, or other water craft: *Provided*, Such slopes be so constructed as not to injure the work of said dams: *And provided also*, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all restrictions and provisions of the laws of this Commonwealth, authorizing persons owning lands adjoining navigable streams of water
- Obstructions how removed**
- Proviso**
- 2d proviso**
- Dams &c permitted**

declared public highways, to erect dams upon such streams, for mills and other water works.

SECTION 8. That in all cases in which a writ to sequester the goods, chattles, tolls and effects of the Millerstown & Lewistown turnpike company, and the Huntingdon, Cambria and Indiana turnpike road company, has been issued or may hereafter issue, and a sequesterator has been or hereafter shall be appointed, under the seventy-fourth section of an "act relating to executions," passed the sixteenth day of June, one thousand eight hundred and thirty-six, it shall be lawful, at any time, for the plaintiff or plaintiffs, in the judgments on whose bill or petition the sequesterator shall have been appointed, his, her, or their agent or attorney, to withdraw the proceedings from the court wherein said bill or petition may have been presented, and proceed to recover said judgment in the same manner as if no such proceedings had been instituted; and such withdrawal and discontinuance of the proceedings, shall be entered on the records of said court, and notice thereof given to said sequesterator; from which time his powers and duties shall cease and be determined, except so far as may be necessary for the settlement and payment of his accounts. And all the effects and estate of the corporation, shall revert to and be revested in said corporation, in the same manner as if no sequesterator had been appointed.

SECTION 9. *And be it further enacted,* That when such judgments shall be paid, reversed or satisfied, and so entered on the docket, such payment, reversal or satisfaction, shall have the same effect as a withdrawal of the proceedings as aforesaid.

SECTION 10. That the time appointed for the performance of certain duties enjoined upon the commissioners named in the first section of the act of eighteenth January, eighteen hundred and forty, entitled "An act to incorporate the Juniata Navigation company," be extended to the first day of November next.

SECTION 11. That the state road laid out from Centreville, by the way of East Brook, to Henry Pearson's mill, in Mercer county, be and the same is hereby vacated, as fully to all intents and purposes, as though the same had never been located: *Provided,* That where work has been done in said road, or damages have been assessed and paid over, the same shall be good and valid.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

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

DAVID R. PORTER.