

[No. 56.]

AN ACT

Relating to certain Public Roads, Bridges, 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 Laird and Michael R. Haymaker, of Westmoreland county, and George Gray, of Allegheny county, be and they are hereby appointed commissioners, to review and relocate so much of a state road authorized by the act of assembly passed the sixteenth day of April, one thousand eight hundred and thirty-eight, entitled "An act authorizing the laying out of a state road from the borough of Greensburg, in Westmoreland county, to intersect with the Greensburg and Pittsburg turnpike road, at or near the house of Henry Chalfant, in Turtle Creek, in Allegheny county, as lies between John Morrow's and John Brinton's, on said location."
- SECTION 2.** The said commissioners shall proceed to review so much of said road, as is provided for in the first section of this act, and to alter and change the same, if, in their opinion, the public good requires such change; being bound, in all respects, by the provisions of the act to which this is a supplement, and entitled to the same pay as is therein provided; the said commissioners having only power under this act, to re-examine the several routes between the points indicated in the first section of this act, and, if they should deem it proper, to change and alter the present location of said road.
- SECTION 3.** That Adam Bowman and John Reed, of Westmoreland county, and William Majunkin of Allegheny county, be and they are hereby appointed commissioners, to view, lay out and mark a state road, beginning at Saltsburg, in Indiana county; thence by way of North Washington, to intersect the state road leading from Kittanning to East Liberty, at or near the late residence of James Logan, in Allegheny county.
- SECTION 4.** That it shall be the duty of the said commissioners, or a majority of them, appointed for 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

Commis'rs

Review a certain state road in Westm'd & Allegheny counties

Comm'rs to alter route

Pay Power

Comm's of state road from Saltsb'g, Indiana co to J. Logans, in Allegheny co

Duty of commissioners

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 said 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 water, 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 ^{Mark route} agreed upon, in such manner as to enable the supervisors readily to find the same. And for the purpose of fulfilling the duties on this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and ^{Pay} 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, ^{Surveyor} he shall receive fifty cents per day in addition. And the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain bearers and ^{Pay &c} one axeman, at a per diem allowance not exceeding seventy-five cents.

SECTION 5. That it shall be the duty of the said commissioners, to make out a fair and accurate draft of the location of ^{Drafts} said roads, 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 they may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the common- ^{Where de-}wealth, on or before the first day of January next, and one ^{posited} copy in the office of the clerk of the court of quarter sessions, of the respective counties through which said roads may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth, the said roads shall be to all intents and purposes public highways, 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.

SECTION 6. That the accounts of the said commissioners ^{Comm'rs ac-} for their own pay, and for the pay of surveyors, chain carriers ^{counts how} and markers, shall be adjusted by the commissioners of the ^{paid} 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.

SECTION 7. That the said commissioners shall meet on or ^{Meeting of} before the first Monday in May next, or as soon thereafter as ^{comm'rs} practicable, at such place as a majority of them shall agree

Vacancy 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 of state road in Armstrong & Allegheny cos SECTION 8. That William Chambers, sr., and Jesse Clements, of Westmoreland county, and William Cowan, of Allegheny county, be and they are hereby appointed commissioners, to view, lay out, and mark a state road from the town of Warren, in Armstrong county, by way of North Washington, to Plum Creek meeting house, in Allegheny county.

Duty of commissioners SECTION 9. 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 said oath or affirmation 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 to be 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 upon. 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

Mark route 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.

Pay of commis's, surveyor &c SECTION 10. 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 thereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of January, one thousand eight hundred and forty-two, 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 copy shall be a record of the route of said road.

Drafts Where deposited. SECTION 11. 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 shall 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.

Commissioner's accounts how paid Meeting of Comm'rs SECTION 12. The said commissioners shall meet on or before the first day of June next, or as soon thereafter as practi-

eable 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 13. The said road shall be laid out upon such ground as to require in no place a grade of more than five ^{Grade} degrees, and as near the direct line between the said points as may be.

SECTION 14. That so much of an act of the legislature passed the sixteenth day of April, one thousand eight hundred and thirty-eight, as relates to roads and highways in the county of Delaware, entitled "an act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes," be and the same is hereby repealed from and after the passage of this act, so far as relates to the townships of Newtown and Upper Chichester, in the said county of Delaware. ^{Delaware co. Newtown and Upper Chichester townships.}

SECTION 15. That so much of an act of the legislature, passed the seventh day of April, one thousand eight hundred and forty, as relates to roads and highways, in the county of Delaware, entitled "a supplement to an act entitled an act to provide for the erection of a house for the employment and support of the poor, in the county of Adams, and for other purposes," be and the same is hereby repealed from and after the passage of this act so far as relates to the township of Middletown in the said county of Delaware. ^{Middletown and Upper Chichester Delaware co.}

SECTION 16. That the directors of the Juniata bridge company be and they are hereby authorized to increase or diminish the rates of tolls on said bridge, so that at no time the dividends or profits from tolls or otherwise, shall exceed eight per cent per annum on the cost of construction, nor be less than six per cent. ^{Juni'ta bridge com. tolls.}

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.