

[No. 126.]

## AN ACT

To incorporate the Eagle Iron Company, 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 so much of the act entitled a supplement to an act to incorporate a turnpike road company, passed the fourteenth February, one thousand eight hundred and thirty-eight, as relates to laying out a state road from Cooper's Gap, in Mifflin county, to Barr's, in Huntingdon county, be and the same is hereby repealed.

State road  
from Mifflin  
co to Hunting-  
don co repeal-  
ed

**SECTION 2.** That the sixteenth section of an act entitled an act 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purposes, passed the ninth day of April, Anno Domini, one thousand eight hundred and forty, be and the same is hereby repealed.

From Virgi-  
nia line to  
Waynesburg  
repealed

**SECTION 3.** That the tenth section of the act passed the twenty-eighth day of May, one thousand eight hundred and forty, entitled "an act authorizing the laying out of certain state roads and for other purposes, be and the same is hereby repealed.

State road  
from Doyles-  
town to Lum-  
berville re-  
pealed

**SECTION 4.** That William Donaldson, Ner Middleswarth, S. F. Headley, John Moore, Edward Grub, John Trego, and Jacob Wagonseller, and their associates, successors, and assigns, be and are hereby constituted a body corporate, by the name and style, of the "Eagle iron company," with all the rights, powers, and privileges of the Susquehanna coal company, and be subject to all the liabilities, provisions, and restriction imposed on the said company, by an act incorporating the same, entitled "An act to incorporate the Susquehanna coal company," approved the second day of June, one thousand eight hundred and forty, and it shall be lawful for the said Eagle iron company to use and employ their moneys, lands, and tenements, in the counties of Lebanon and Schuylkill, for the purposes mentioned in the act referred to.

Eagle Iron  
company in-  
corporated

Powers, pri-  
vileges, &c of  
Susquehanna  
coal company

**SECTION 5.** That Daniel Overholtzer, Joseph Haffey, Joseph Campbell, David Zook, and Samuel Holliday, of Mifflin county, be and they are hereby appointed commissioners, to view, lay out, and mark a state road, beginning at Greenwood furnace, in Huntingdon county, from thence to intersect a great road leading from Brown's mills, to Belleville, at or near

State road  
from Hunting-  
don co to  
Mifflin co

Robert Milliken's mill, in Mifflin county, by the nearest and best route.

SECTION 6. It shall be the duty of said commissioners, or <sup>Duty of com-</sup> a majority of them, after having been sworn or affirmed, <sup>missioners</sup> 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 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, only at crossing ravines and streams, when by a moderate filling or bridging, the declination of the said road may be preserved within that limit.

SECTION 7. 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 a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties enjoined by this act, the commissioners respectively are hereby authorized to employ one surveyor, at <sup>Surveyor's</sup> a per diem allowance not exceeding two dollars, and two chain <sup>pay</sup> 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.

SECTION 8. That it shall be the duty of said commissioners to make a fair and accurate draft of the location of said road, <sup>Draft</sup> noting thereon the courses and distances as they occur, improvements passed through, and also the crossings 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 clerk of the court, in Mifflin 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 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.

SECTION 9. That the accounts of said commissioners, for their own pay, and the pay of supervisors, chain carriers, <sup>Com'issioners</sup> and so forth, shall be made out and returned the commis- <sup>accounts—</sup> sioners of Huntingdon and Mifflin counties, which shall be <sup>how paid</sup> paid by orders drawn by the county commissioners on the treasury of their respective counties.

SECTION 10. That the said commissioners shall meet at Greenwood furnace, on or before the first day of June next, <sup>Meeting</sup>

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 Mifflin county, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

Canal commissioners to pay Foreman, Jones & Co

SECTION 11. That the canal commissioners be and they are hereby authorized and required, to pay, or cause to be paid, to Messrs. Foreman, Jones, and company, contractors for the grading of section number four of the railway to avoid the inclined plane at Columbia, the balance remaining due to them, on account of their said contract, according to the final estimate made by John P. Bailie, principal engineer of the said line, including the retained per centage, deducting therefrom all sums heretofore paid to them in part, on account of the same, and also to inquire into their claim for damages arising from the change in the location of part of the work on the said section, after the letting of the same, and to allow them such additional compensation on account thereof, as in their opinion they shall be justly entitled to receive, and to draw their warrant on the state treasurer in favor of the said firm of Foreman, Jones, and company, for the sums hereby authorized to be paid to them, out of any moneys in the treasury, not otherwise appropriated.

Probate of deeds, &c in certain cases declared valid

SECTION 12. That all probates of deeds or other instruments of writing, touching or concerning any lands, tenements, or hereditaments, situate, lying, and being in any part of this Commonwealth, taken or made before the mayor or recorder of the city of Philadelphia, prior to the passage of the act of ninth of January, eighteen hundred and seventeen, which would have been good and valid if said act of ninth of January, eighteen hundred and seventeen, had been in force at the time of the taking or making of said probates, shall be and are hereby declared to be, as good and effectual, and may be recorded in the proper county, in like manner as if said probates had been taken and made subsequent to the passage of said act.

State road from Cambria co to Jefferson co

SECTION 13. That so much of the act entitled an act to incorporate a female seminary, in Landisburg, Perry county, and for other purposes, passed the twelfth day of June, eighteen hundred and forty, as relates to and provides for laying out a state road, from Ebensburg, in Cambria county, to Punxsatawney, in Jefferson county, be and the same is hereby revived, and William Thompson, of Indiana county, and Richard Bard, of Clearfield county, and Steven Lloyd, John B. Douglass, and James Rhey, of Cambria county, be and they are hereby appointed commissioners to carry the provisions of the said act into execution, as fully as the commissioners originally named could or might have done.

Commissioners Powers

SECTION 14. That in all cases of partition in the common Partition of  
 pleas, the court shall allow the holders of the titles to the land lands—pend-  
 or parts thereof, to take the same or parts thereof consec- ing in certain  
 tively, according to the dates of their respective titles, legal or cases  
 equitable, and shall, on application, grant a rule on all persons  
 interested, to come into court on a certain day by them to be  
 fixed, to accept or refuse the estate, or a portion thereof, as the  
 case may be, and if the party entitled to a choice do not come  
 into court in person, or by guardian, or attorney, or in case he,  
 she, or they shall refuse the same, a record shall be made  
 thereof, and the court may and shall direct the same to be of-  
 fered to the next in succession, according to the rule above  
 described, and so much of any act of assembly as is inconsis-  
 tent with this, is hereby repealed.

SECTION 15. That Abraham Conrad of Lampeter township, Abram Conrad  
 Lancaster county, is hereby authorized to sell and convey authorized to  
 about one acre and ninety-two perches of land, in said town- sell certain  
 ship, adjoining the Philadelphia and Lancaster road, and which real estate  
 was conveyed to him by John Weedel and Catharine his wife,  
 and William Tombo and Mary his wife, by deed dated seventh  
 September, one thousand eight hundred and twenty-five, in  
 trust for Sarah Griffith: *Provided nevertheless*, That before  
 the said Abraham Conrad shall execute any deed for the afore- Proviso  
 said lot of ground, he shall give bond with such security as the  
 orphans' court of Lancaster county shall direct, conditioned  
 for the proper investment of the money arising from such sale, Money—how  
 and the application of the proceeds thereof for the uses and invested  
 purposes mentioned in said act.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—This fifth day of May, A. D. eighteen hundred  
 and forty-one.

DAVID R. PORTER.