

[No. 76.]

AN ACT

Authorizing the laying out of certain state roads, 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 Thomas Armstrong, of Elderton, Commissioners Peter Delts, of Mahoning, Indiana county, and William Campbell, Jefferson county, be and they are hereby appointed commissioners to view and lay out a road from Elderton in State road from Arm- Armstrong county, to Panaxatauney in Jefferson county, by way of Plumville in Indiana county, by the nearest and best route from point to point.

SECTION 2. It shall be the duty of the said board of commissioners or a majority of them, after taking and subscribing an oath Oath to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass and lay out the same as near to a straight line between the aforesaid points as the nature of the ground will Lay out road permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, except only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road it may be preserved within that limit.

SECTION 3. That it shall be the duty of the said commissioners plainly to mark 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 said 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 per day; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

SECTION 4. That it shall be the duty of said board of commissioners to make out a fair and accurate draft of the location of said road respectively, noting thereon 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 to be deposited in the office of the secretary of this commonwealth on or before the first day of January next, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out 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 courts aforesaid.

SECTION 5. That the accounts of the said commissioners for their own pay and the pay of the surveyor and chain carriers, and so forth, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way. Accounts

SECTION 6. And the said commissioners shall meet on or before the first day of August 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 the county where any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty. Meeting

SECTION 7. That John Sheakley and Alexander M'Cleary, of Mercer county, and Peter Murrin, of Butler county, be and they are hereby appointed commissioners to view and locate a state road from Georgetown, in Mercer county, to Peter Hilliards, in Butler county, by the nearest and best route. Commission-
ers
State road in
Mercer and
Butler coun-
ties

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 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. Oath

Lay out road

Mark route

SECTION 9. 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 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 one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers at a per diem allowance of 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.

Drafts

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, 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 first day of January next, and one copy in each of the offices of the clerk of the courts of quarter sessions of Mercer and Butler counties, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from and 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 open and repaired which are laid out by order of the courts aforesaid.

Accounts

SECTION 11. That the accounts of the 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 Mercer and Butler 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.

Meeting

SECTION 12. That 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 Mercer or Butler county, as the case may be, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duties.

Bustleton &
Summerton
turnpike road
company

SECTION 13. That the stockholders of the Bustleton and Summerton turnpike road company, shall meet on the last Monday of December next, and annually thereafter, at such

time and place as shall be fixed by their by-laws, for the purpose of choosing managers, and said managers when chosen, may determine by their by-laws the manner in which their president and treasurer, and other officers, shall be chosen in any year; and at any annual or special meeting shall have full power and authority to make, alter or repeal by a majority of votes, in manner as aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act appertaining to said corporation; and so much of any act as hereby supplied, be and the same is hereby repealed.

SECTION 14. That Mark Gordon, Jacob Barns and Henry Commission-
Neal, of the county of Greene, are hereby appointed com-ers
missioners to view and lay out a road, beginning at the west
end of the bridge, at Rodger's mill, in said county, from
thence by the nearest and best route to the Grave Creek State road in
state road, at or near the house of William S. Harvey, in Greene co.
said county.

SECTION 15. That it shall be the duty of said commission-Oath
ers respectively, after taking and subscribing an oath or af-
firmation, before a justice of the peace, to perform the duties
enjoined on them by said act with impartiality and fidelity, View ground
to carefully view the ground over which said road may pass,
and to lay out the same as near to a straight line between
aforesaid points, as the nature of the ground and other impor-
tant 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, when by a mode-
rate filling or bridging the declination of said road it may
be preserved within that limit.

SECTION 16. That it shall be the duty of said commission-
ers respectively, plainly and distinctly to mark the ground on Mark route
the route agreed upon for the road aforesaid, in such manner
as to enable the supervisors readily to find the same, for the
purpose of fulfilling the duties in this act enjoined. The com-
missioners respectively, are hereby authorized to employ one
surveyor, at a per diem allowance not exceeding two dollars,
and two chain carriers and one axe man, at a per diem allow-
ance not exceeding seventy-five cents to each; and the said
commissioners respectively, shall receive a per diem allow-
ance 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 17. That it shall be the duty of said commission-Drafts
ers, to make out fair and accurate drafts of the location of
said road, noting thereon the courses and distances as they
occur, the improvements passing through, and also the cross-

ing of township lines, roads and water, 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, in said county, 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 repair, in all respects, as roads are opened and repaired which are laid out by order of the court of quarter sessions aforesaid.

Accounts **SECTION 18.** That the account of the said commissioners for their own pay, and pay of surveyors, chain carriers and so forth shall be made out and returned to the commissioners of said county, in which the road is located, and that they be paid out of the treasury of the county, on a warrant drawn in the usual way.

Meeting **SECTION 19.** That said commissioners shall meet at the house of John Rodgers, in Centre township, Greene county, on or before the first Monday in September next, or as soon thereafter as practicable, and complete the location as soon as possible; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of the county of Greene shall fill said vacancy, by the appointment of suitable persons who shall perform said duty.

Comms **SECTION 20.** That William R. Maffet, George Reifsnyder and Jacob Rapp, of Schuylkill county, be and they are hereby appointed commissioners to lay out by courses and distances a state road, beginning at the Tamaqua and Mifflinsburg state road, near the house of Jacob Rapp, in the township of Union, county of Schuylkill aforesaid, to the Centre turnpike, not more than three miles above the town of New Castle, in said county.

**State road fr
Catawissa
valley to New
Castle**

Oath **SECTION 21.** That it shall be the duty of the said commissioners or a majority of them, after taking an oath or affirmation before a judge or justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, carefully to view the ground over which the said road may pass, and 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, and in such manner that the vertical departure from a horizontal line shall at no point exceed six degrees, unless it be at the crossing of ravines and streams, whereby by moderate filling or bridging the declination of the road may be preserved within that limit.

View ground

SECTION 22. That it shall be the duty of the said commis-

sioners or a majority of them, in choosing the ground to have due regard to crossing of water, to the declination and nature of the ground, to the expenses of the township, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them the route finally adopted may best promote the public good.

SECTION 23. That it shall be the duty of the said commissioners plainly and distinctly to mark upon the ground the route agreed upon for the road as 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 shall receive a per diem allowance of two dollars each for every day they shall be necessarily employed in performing the duties hereby required, together with all necessary provisions; and in case any one of said commissioners shall perform the duties of surveyor he shall receive one dollar per day in addition; and the said commissioners are further authorized to employ one surveyor at two dollars per day, two chain men and one axe man at a per diem allowance not exceeding one dollar. Mark route

SECTION 24. The said commissioners shall meet on or before the first Monday in May next or as soon thereafter as practicable, at Pottsville in said county, and complete the location of said road as soon as conveniently as may be; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of said county of Schuylkill is hereby authorized to fill such vacancy by a suitable appointment. Meeting

SECTION 25. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements they pass through, the crossing of township lines, roads or 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 December next, and one copy in the office of the clerk of the court of quarter sessions of the county aforesaid at the time above specified or as much sooner as practicable, which shall be a record thereof; and thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the court aforesaid. Drafts

SECTION 26. That the accounts of said commissioners for their own pay and the pay of their assistants aforesaid, shall be adjusted and allowed by the commissioners of said county, Accounts

and paid by the treasurer thereof on warrants drawn in the usual way.

Commission-
ers

State road in
Huntingdon
county

SECTION 27. That Thomas S. Cromwell, George Sipes and Daniel Lake are hereby appointed commissioners to view and lay out a road beginning at or near Drake's ferry, on the Pennsylvania canal in Huntingdon county, via Maddin's mill in said county, thence via Fort Littleton in Bedford county, from thence by the nearest and best route to the Maryland line at or near the Tonoloway meeting house.

Oath

View ground

SECTION 28. That it shall be the duty of said commissioners respectively, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined on them by said 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 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, when by a moderate filling or bridging the declination of said road it may be preserved within that limit.

Mark route

SECTION 29. 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 enable the supervisors readily to find the same for the purpose of fulfilling the duties in this act enjoined. The commissioners respectively are hereby authorized to employ one surveyor at a per diem allowance not exceeding one dollar and fifty cents, and two chain carriers and one axe man at a per diem allowance not exceeding seventy-five cents to each; 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 the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Drafts

SECTION 30. 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 passing through, and also the crossing of township lines, roads and water, 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 in said county 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 repair in all

respects as roads are opened and repaired, which are laid out by order of the court of quarter sessions aforesaid.

SECTION 31. That the account of said commissioners for their own pay and pay of surveyors, chain carriers, &c., shall be made out and returned to the commissioners of said county in which the road is located, and that they be paid out of the treasury of the county on a warrant drawn in the usual way. Accounts

SECTION 32. That said commissioners, shall meet at the house of David Fraker, in Shuleysburg, Huntingdon county, on or before the first Monday in September next, or as soon thereafter as practicable, and complete the location as soon as possible; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of the county of Huntingdon shall fill said vacancy by the appointment of suitable persons who shall perform said duty. Meeting

SECTION 33. That Robert Silverthorn, of Juniata county, George Gooshorn, of Huntingdon county, and James Sproat, of Bedford county, be and they are hereby appointed commissioners to view, lay out, and mark a state road from Mifflintown, in Juniata county, by the way of Perre Mills and Fort Littleton, to intersect the turnpike road on the summit of Sideling Hill, in Bedford county. Commissioners
State road in
Armstrong
Indiana and
Jefferson
counties

SECTION 34. It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined on them by this act, with fidelity and impartiality, to carefully view the ground over which the said road may pass, and 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 place exceed five degrees, except only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road it may be preserved within that limit. Oath
View ground

SECTION 35. That it shall be the duty of the said commissioners, plainly to mark 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 said 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 per day; and the said commissioners respectively, shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed. Mark route

Drafts

SECTION 36. That it shall be the duty of the said board of commissioners to make out a fair and accurate draft of the location of said road, respectively noting thereon, 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 to be deposited in the office of the secretary of this commonwealth, on or before the first day of January next, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out, 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 courts aforesaid.

Accounts

SECTION 37. That the accounts of the said commissioners for their own pay, and the pay of the surveyor and chain carriers, and so forth, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

Meeting

SECTION 38. And the said commissioners shall meet on or before the first day of August 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 the county where any vacancy or vacancies occur, shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

Increase tolls
on Cumber-
land road

SECTION 39. That from and after the passage of this act, the commissioner of the Cumberland road shall have power to increase the rate of tolls on all stage coaches drawn by four or more horses, to any sum not exceeding one dollar, at each gate upon said road, within the state of Pennsylvania; and the said commissioner shall have the same power to enforce the payment and collection of tolls authorized by the act of thirteenth June, eighteen hundred and thirty-six, relating to tolls on that part of the Cumberland road passing through Pennsylvania, by stopping such coach or coaches, as is provided by the act of fourth of April, eighteen hundred and thirty-one, for the preservation and repair of the Cumberland road, and to exercise all the means and remedies authorized by said acts, for the collection of tolls and prevention of fraud on said road, reserving also to the said commissioner the right to sue

or maintain any action therefor, as he might or could do at common law, in addition to the remedies herein provided.

SECTION 40. That Charles Shaler, Thomas Bakewell, Jo-
 siah King and Samuel Walker of Allegheny county, Bela B. ers
 Smith of Westmoreland county, and James Veech, William
 B. Roberts, and William Crawford, of Fayette county, be and
 they are hereby appointed commissioners to do and perform
 the several things hereinafter mentioned, that is to say—they
 shall on or before the first day of January next, procure three
 or more books, and enter therein as follows: We whose
 names are hereunto annexed, do promise to pay unto the
 president, managers and company, of the Uniontown and
 Pittsburgh turnpike road, the sum of fifty dollars for every
 share of stock set opposite to our respective names, in such
 manner and proportions, and at such times, as shall be deter-
 mined on by the president and managers of the said company,
 in pursuance of an act of the general assembly of this common-
 wealth, entitled "An Act authorizing the laying out of certain
 state roads, and for other purposes;" Witness our hands the
 day of . . . in the

Commission-
 ers
 Uniontown &
 Pittsburg
 turnpike road
 Norm of sub-
 scription

year of our Lord one thousand eight hundred and

; and shall thereupon give notice in two papers pub-
 lished in Fayette county, one paper published in Westmore-
 land county, and three papers published in the city of Pitts-
 burg, for one calendar month, of the time and place, when
 and where the said books shall be opened to receive subscrip-
 tions for the stock of the said company; at which time and place
 some one of the said commissioners shall attend, and permit
 and suffer all persons of lawful age, who shall offer to sub-
 scribe in the said books in their own name, or in the name of
 any other person, who shall duly authorize the same, for any
 number of shares of the said stock; and the said books shall
 be kept open respectively, for the purpose aforesaid, for at
 least six hours in each juridical day, for the space of three days,
 and until the said books so opened shall have two thousand
 shares therein subscribed; and if at the expiration of the said
 three days, the books aforesaid shall not have the number of
 shares aforesaid therein subscribed, the said commissioners
 respectively, may adjourn from time to time, and transfer the
 books from place to place, until the whole number of shares
 shall be subscribed; of which adjournment and transfer the
 said commissioners shall give such notice as the occasion may
 require; and when the whole number of shares subscribed
 in the said books, shall amount to two thousand shares, the
 same shall be closed.

SECTION 41. That when fifty or more persons shall have
 subscribed five hundred shares or more of said stock, and shall

Letters patent

have paid three dollars on each share, the commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed, to the governor; and thereupon it shall be lawful for the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, style and title of the president, managers and company of the Uniontown and Pittsburg turnpike road, and by the same, the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

Organization

SECTION 42. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of their own subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers so chosen and their successors shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of said company; and generally have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls, as soon as five miles of said road shall be completed, in proportion to the distance as are given and granted to the president, managers and company of the Harrisburg and Pittsburg turnpike road, by an act passed the twenty-fourth day of

By-laws

Tolls

February, one thousand eight hundred and six; and the said Uniontown and Pittsburg turnpike road shall commence at the city of Pittsburg, to pass over the best ground to Uniontown, in Fayette county; and the said company shall have power to connect with or adopt any other or the part of any other turnpike road which may be found necessary, the consent of the president and managers of such road being first had and obtained: *Provided*, That if the said company shall not proceed to carry on said work within five years after the passage of this act, and shall not within fifteen years afterwards complete the said road according to the true and intent and meaning of this act, then, and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

Proviso

Limitations

SECTION 43. That Benjamin Tyson and George Moser, of Berks county, and Jacob S. Yost of Montgomery county, be and they are hereby appointed commissioners to review all that part of the state road lately laid out between Allentown, in Lehigh county, and West Chester, in Chester county, lying between said Allentown in said county of Lehigh, and Pottstown in Montgomery county; and to re-locate the same by way of Dale Forge, Mount Pleasant Forge and Boyers-town, in such manner that the vertical departure from a horizontal line shall in no case exceed three degrees, except at the crossing of streams and ravines, where by moderate bridging and filling up the declination of said road may be reduced to that limit: *Provided*, That said commissioners shall be subject to the provisions of the act to which this is a supplement, except where the same may conflict with the provisions of this act.

Commissioners

State road in Lehigh Montgomery and Chester counties

SECTION 44. Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one if it should appear expedient so to do; and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

Vacate

SECTION 45. After the commissioners have fulfilled the duties of their appointment and deposited the reports and drafts in the places designated in the act to which this is a supplement, it shall be the duty of the supervisors of the township through which said road passes to proceed immediately to open the same in the following manner: They shall divide said road into sections not exceeding one mile in length, after having given ten days notice by handbills placed in five or more of the most public places in the township, shall pro-

Drafts and reports

Sections sold

ceed to sell by public vendue the said sections to the lowest and best bidder, and after having allotted said sections shall direct the persons to whom said allotments have been made to proceed immediately to open the same; and in case of neglect or failure of any contractor to open his section or sections agreeably to the terms upon which he received such contract, the supervisor shall dispose of said section or sections at a subsequent sale by like proceedings as was had in the first sale; and if the price exceeds the previous allotment the person to whom the previous allotment was made shall be liable for said excess and for all expenses incurred in effecting said second sale. After said road has been opened it shall be kept in repair by the townships through which it passes, in the same manner that other roads are now repaired.

Repeal of
part of former
act

SECTION 46. That the twentieth section of an act entitled "An Act relating to roads, highways and bridges," passed thirteenth June, eighteen hundred and thirty-six, is hereby repealed, so far as it applies to this act.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 77.]

AN ACT

Concerning a certain trial for murder in Cambria county.

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 the court of oyer and terminer of Cambria county are hereby authorized and required to enter, if requested by the defendants in the case of the Commonwealth against Bernard Flanagan and Patrick Flanagan, indicted for the murder of Elizabeth Holden, a rule to shew

B. & P. Flanagan