

[No. 106.]

AN ACT

Authorizing the laying out and locating a State road from the borough of Elizabethtown, Allegheny county, to the borough of Brownsville, in Fayette 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 Robert Patterson, of Fayette county, John Power, of Westmoreland county, and Jonathan Large, of Allegheny county, be and are hereby appointed commissioners to view, lay out, and mark a state road, beginning at Elizabethtown, in Allegheny county, thence by way of Webster, in Westmoreland county, Bellvernon, Cookstown, to Brownsville, in Fayette county.

Comms

View route

Oath

Mark route

Pay

SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, appointed 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 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 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 affect 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 agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem; two chain bearers, and

one axeman, at a per diem allowance not exceeding seventy-five cents.

SECTION 3. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of 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 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 quarter sessions of the respective counties through which the said roads may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth 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. Drafts

SECTION 4. That the accounts of 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 paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length of the road in such county respectively. Accounts

SECTION 5. That the said commissioners shall meet on or before the first Monday in May next, or as soon thereafter as practicable, at such place 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. Meeting

SECTION 6. That William Gibbs and David Dalrymple, and their heirs and assigns, shall have the right and privilege, at their own expense, to make good and convenient landings, on the east and west side of the Allegheny river, at and opposite the village of Corydon, in the county of M'Kean, and to use the said river between the said landings as a public ferry. Ferry across Allegheny river in M'Kean co

SECTION 7. That said William Gibbs and David Dalrymple, and their heirs and assigns, shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of travellers, teams and carriages of all descriptions, and shall keep good and substantial boats, and other substantial crafts, and competent and careful ferry-men, Boats ferry-men &c

who shall constantly, as occasion may require, attend for the purpose of conveying passengers, teams and carriages, across said river, with all reasonable diligence and care.

Tolls

SECTION 8. The said William Gibbs and David Dalrymple, and their heirs and assigns, as a remuneration for keeping up, and in good repair, the said landings and ferry as aforesaid, shall receive such tolls for conveying persons, teams, carriages, horses, and other animals, as may be prescribed by the court of common pleas of Warren county:

Proviso

Provided, That nothing herein contained shall be so construed as to invest in the said William Gibbs and David Dalrymple, their heirs or assigns, the right to receive or discharge any travellers, cattle, carriage, or other thing, on land, to which they shall not first secure the right so to do, except it be on the public highway, nor to prevent any future legislature from altering or amending this act.

Comms

State road in
Allegheny
and Fayette
counties

SECTION 9. That Samuel Newel and Allen Wilson, of the county of Clarion, and Alexander Holeman, of Venango county, be and they are hereby appointed commissioners to view and locate a state road from Waterson's ferry, in Clarion county, to Holeman's ferry, in Venango county, by the nearest and best route.

Oath

SECTION 10. That it shall be the duty of the 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 moderate filling or bridging the declination of the said road it may be preserved within that limit.

View route

Mark route

SECTION 11. 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 supervisor readily to find the same; and for the purpose of fulfilling the duties in this act enjoined on the commissioners respectively, they 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 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 hereinafter directed.

Pay

SECTION 12. 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 it may pass 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 quarter sessions of Clarion 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. Drafts

SECTION 13. That the account of said commissioners for their own pay and the pay of surveyors, chain carriers, et cetera, shall be made out and returned to the commissioners of Clarion and Venango 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. Accounts

SECTION 14. That the said commissioners shall meet on or before the first day of June next, or as soon thereafter as practicable, and complete the review of said road; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of Clarion county shall fill said vacancy or vacancies by appointment of suitable persons, who shall perform said duties. Meeting

SECTION 15. That the qualified citizens of the different townships in the county of Erie, shall on the third Friday of March next, at the township elections, elect three persons, who shall be styled commissioners of roads and highways. Erie co
Comms of
roads election

SECTION 16. That within ten days after said election, the persons so elected commissioners shall meet at the office of the town clerk, in each township, and the said clerk, or in his absence, the clerk of the election, proceed to class, by ballot, said commissioners; and one shall be classed and serve three years, and one shall be classed and serve two years, and one shall be classed and serve one year, and as soon as the clerk shall have completed the classification, he shall administer an oath or affirmation to each of said commissioners faithfully and impartially to discharge the duties of the said office, and the said clerk shall record the same on the township records; and the qualified citizens in each of said townships as aforesaid, shall annually at the township elections thereaf- First meeting
of comms
Classifica-
tion

Vacancy

ter, elect one person for road commissioner, who shall hold his office for three years; and if a vacancy shall occur in the said board of commissioners, such vacancy shall be supplied by appointment, made by the said board of commissioners, until the next election.

**Meeting of
comms and
assessor**

SECTION 17. That it shall be the duty of said commissioners, as soon as they have been qualified as aforesaid, to notify the assessor of the township who was the last assessor and made the assessment, to meet them at some convenient place to be named by said commissioners, on a day certain; and the said commissioners and assessor when so met, shall proceed to draw off on a duplicate the names of all of the taxables in said township, together with all the property of each and every such taxable, assessed by said assessor, for county rates and levies, and place the same valuation to each and every piece of property as was made by said assessor for county purposes, and the said assessor shall certify the same under his hand to be a true copy of the assessment for the year in said township.

Tax**Road &c****Additional
tax**

SECTION 18. That the said commissioners shall lay such tax upon the property so assessed as they shall deem necessary for road and bridge purposes for the current year, not exceeding one cent on every dollar of valuation so made, but if the same should all be expended or all that was then available, and the same should be insufficient to repair the roads or keep the same in good repair, then an additional sum may be raised by said commissioners for that purpose; and the said commissioners may in each and every year, if they find the same necessary, collect a part of the road tax so laid, not exceeding twenty-five per cent. in money, for the purpose of paying the expenses of said roads or materials, and also for paying the expense of laying out roads in said townships.

**Districts
Path masters
&c**

SECTION 19. That the said commissioners shall as soon as they are organized, lay out the several townships into districts, as many as they shall deem necessary, and shall appoint one person in each district who shall be called path master, and shall furnish each of said path masters with a list of the taxables in his district, together with the amount of tax to be paid by each person; and the said path master shall notify each person named in his duplicate of the time and place that he intends to work on said roads, and if the person so notified shall refuse or neglect to work as directed by said path master, then the said path master shall make return to the said commissioners forthwith of every such delinquent.

**Supervision
of roads**

SECTION 20. That it shall be the duty of the said commissioners to take the general charge and supervision of all the roads and bridges in each of the said townships in said county,

(county bridges excepted,) and to lay out and alter the same at the request in writing of the citizens of said township, if they shall deem the same necessary, and shall furnish the town clerk with a return of all such roads so laid out or altered, in the same manner as viewers now make report to the court of quarter sessions; and the said clerk shall keep a record of all such roads so laid out or altered, and when any road is wanting which shall pass out of any township into any other township, then the same shall be laid out and agreed upon by a majority of the commissioners in the townships through which said roads pass.

SECTION 21. That the said commissioners are hereby authorized to issue their warrant to the constable of the township for the collection of any money that may be due from resident taxables, which warrant shall be made returnable in twenty days to the treasurer of the township; and the constable of the township is hereby required to execute the same under the same regulations and proceed in the same manner and have like fees as the said constables now have and do perform under executions, except the defendant or delinquent shall not have the benefit of appraisal and stay as is now granted by a law of this commonwealth on executions. Warrant for tax

SECTION 22. That the said commissioners shall in the month of November in each and every year, make out a list of all unseated lands in each of the said townships on which the road tax of the present year remains unpaid; and one of the said commissioners shall in the said month of November aforesaid, make return of said unseated lands to the commissioners of the county and certify the same, and the proceedings shall be had upon the collecting the tax on said lands as is now had upon unseated lands when the returns are made by the supervisors of the several townships in said county. Unseated lands tax &c

SECTION 23. That all moneys raised in said township by tax or otherwise for road purposes, shall be collected and paid to the treasurer of the proper township, and when expended it shall be done by the direction of the said road commissioners, and drawn out of the treasury by orders signed by two or more of said commissioners on the treasurer of the said township. And the said commissioners shall annually settle their accounts with the auditors of the township, as supervisors now do under the existing laws; and the office of supervisors in the several townships of Erie county are hereby abolished. Township treasurer
Money paid and expended

SECTION 24. That the compensation of said road commissioners and treasurer shall be fixed by the auditors of the townships, not exceeding one dollar per day for the said commissioners; and the path masters of the several districts shall be allowed the same daily pay as is allowed to those who Compensation

work out their tax are allowed and paid per day. And the assessor shall be allowed and paid one dollar for each day necessarily employed with the said commissioners in making out the said transcript and certifying to the same, which duty the said assessor is hereby required to perform.

Tax worked
out

SECTION 25. That the said path masters are hereby required to see that the tax in their respective districts are worked out as soon as may be after they shall receive their duplicates from the said commissioners, and shall annually in the month of November in each and every year, when notified by said commissioners, meet with said commissioners and settle their respective accounts; and any failure on the part of said path masters to settle their respective accounts as required by this act, shall subject the one so neglecting to a fine of twenty dollars, to be recovered as debts of equal amount are by law recoverable before a justice of the peace, at the suit of the proper treasurer of the township, on complaints made by said commissioners to said treasurer.

Remedy of
grievance

SECTION 26. That whenever any person is aggrieved by reason of any new road being laid out or altered by the said commissioners, the person so aggrieved may make complaint to the two justices of the peace of said township, or any other two justices of the peace living more convenient to the commissioners, who shall send a notice to said commissioners to meet at a place fixed in said notice, and said justices shall hear the complaint and the allegations of the parties, and decide as to them justice and equity may appear to belong, and such decision shall be final and conclusive; the costs to be paid by the complainant or township as the case may be, and allowed as costs for similar services before justices of the peace are allowed.

Repeal of
former law

SECTION 27. That the existing road laws of this commonwealth, so far as they are supplied or altered by this act, be, and the same are hereby repealed, so far as relates to Erie county; and this act to take effect from and after the first day of March, eighteen hundred and forty-four.

Preamble

WHEREAS, By the fifth, sixth, seventh, eighth, ninth and tenth sections of the act, entitled "An act to reduce the capital of the Southern Insurance and Trust company of Philadelphia, and for other purposes," commissioners were appointed to view and lay out a state road, from the Cherry tree, in Indiana county, to intersect the Waterford and Susquehanna turnpike road, at or near the town of Clarion, in Clarion county, by the nearest and best route between said points: *And whereas*, By the eighth section of said act, the commissioners appointed to view and locate said road, are directed to complete their survey and file drafts of the same in the office of

State road in
Indiana and
Clarion coun-
ties

the secretary of the commonwealth, and with the clerks of the courts of the several counties through which it passes, on or before the first day of January, Anno Domini, one thousand eight hundred and forty-three; Therefore,

SECTION 28. *Be it enacted*, That the time for executing Time for re- and returning said drafts of the survey, is hereby extended to turning sur- the first day of January, Anno Domini, one thousand eight very extended hundred and forty-four; and further, that the name of Henry Freese of Jefferson county, be added to the board of commis- sioners for the purposes aforesaid.

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

B. CRISPIN,
Speaker of the Senate.

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

DAVID R. PORTER.

[No. 107.]

AN ACT

Supplementary to an act entitled "An Act relating to roads, highways and bridges."

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 Duties of ^{of} this act it shall be the duty of the county commissioners of comms the several counties of this commonwealth to repair all bridges erected by the county, and to pay the expenses of such repairs out of the county treasury in the usual manner, except Exceptions the counties of Bedford, Washington, Westmoreland, Tioga, Potter, Cambria, Somerset, Armstrong, Allegheny and Susquehanna.

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

B. CRISPIN,
Speaker of the Senate.

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

DAVID R. PORTER.