

No. 609.

AN ACT

Authorizing the laying out of a State Road from Murrysville, in Westmoreland county, to Stewart's station on the Pennsylvania Railroad.

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* Commissioners. Z. G. Stewart, George Hobaugh, Josiah Harvey, George Keck, Jeremiah Murry, of Westmoreland county, George Larrimer and John J. Muse of Allegheny county, be and they are hereby appointed commissioners to do certain matters and things, as is specified and described in the following sections of this act.

SECTION 2. That it shall be the duty of the said board of commissioners or a majority of them, after being sworn or affirmed by a justice of the peace to perform the duties enjoined on them by this act with fidelity and impartiality, to meet at some point fixed by themselves, on or before the first Tuesday in September, one thousand eight hundred and fifty-four, and proceed to view and explore the different routes that may be considered practicable for a State road from Murrysville to Stewart's station, on the Pennsylvania railroad, and to determine on the most practicable route, having regard to the shortest distance, the least injury to private property, and the public good. Duty of commissioners.

SECTION 3. That it shall be the duty of said commissioners Further duties. to appoint one of themselves, who is an artist, or some other fit surveyor, who shall take to his assistance two chain-bearers and one axe-man, and proceed immediately after the adoption of the route to survey and grade the same as near a straight line as possible, thirty-three feet in width, and not to exceed at any point four degrees from a horizontal line, except crossing ravines and streams, when by moderate excavation, filling or bridging, the declination may be preserved within that limit.

SECTION 4. That it shall be the duty of the artist plainly Drafts to be made and distinctly to mark the location of said road, and make out out and filed. two fair and accurate drafts of the same, noticing therein the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, and 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 Tuesday of January, Anno Domini, one thousand eight hundred and fifty-five, and one copy in the office of the clerk of the court of the county of Westmoreland, on or before the day aforesaid, which shall be record thereof, and from 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 courts: *Provided how-* Proviso. *ever,* That it may be opened under the direction of the artist, in case there is no additional expense on the counties or townships.

SECTION 5. That said commissianers shall have power to vacate so much of any road as may be supplied by the new one, Vacation of roads.

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 the artist to connect all such lateral or cross roads with the main line of road, and show the connection in the drafts aforesaid.

Releases.

SECTION 6. That it shall be the duty of the commissioners to endeavor to procure from the persons through whose land such location may be made, releases for all claims of damages that might arise from opening the same; and in every case where said commissioners shall fail to procure such releases, and it shall appear to them that any damages will be sustained, they shall assess the damages and make report thereof, signed by a majority of them, and return the same, together with all the releases obtained, to the court of quarter sessions of the county in which such damages may accrue.

Vacancies.

SECTION 7. That if any vacancy should occur, by resignation or otherwise, in the board of commissioners, the remaining members of the board shall call to their assistance a suitable person, who, when sworn or affirmed, shall have the same power as though he had been named in this act.

Compensation.

SECTION 8. That the commissioners and artist shall receive for their services, one dollar and fifty cents for each day engaged in the discharge of the several duties enjoined on them by this act; and the chain-bearers and axe-man shall each receive one dollar per day for each day on service in locating said road; the accounts of the commissioners, surveyor, chain-bearers and axe-man shall be made out and returned to the commissioners of each county, in proportion to the time spent in viewing and locating said road; and the said accounts shall be paid out of the treasury of the respective counties, on warrants drawn in the usual way.

Duty of supervisors.

SECTION 9. That the supervisors of roads in the several townships through which this road may pass, are authorized and required to apply at least one-half of the tax assessed for road purposes on property lying and being within one mile of said road, each year, until it is made good.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The eighth day of May one thousand eight hundred and fifty-four.

WM. BIGLER.