

No. 62.

A Supplement

To an act entitled "An act authorizing the Governor to incorporate the Lizard creek, Lehigh and Loyalhannah Bridge company, and for other purposes," passed the first day of April, one thousand eight hundred and thirty-one.

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 managers elected after the passage of this act by the Loyalhannah Bridge company, and the state managers, shall appoint one of their number president, and two competent persons to act as treasurer and secretary, out of said board of managers, or out of the stockholders of said company.

President,
treasurer and
secretary.

Repealing
clause.)

SECTION 2. So much of the original act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 63.

An Act

Authorizing the opening and continuing of Perry and other streets in the borough of Birmingham, Allegheny county, on certain conditions.

Preamble.

WHEREAS, in the original plan of that part of the borough of Birmingham formerly called Sidneyville, in the county of

Allegheny, a street named Perry street, was laid out and opened, terminating at Coal-Hill street, running along the line of lot number nine; *And whereas*, the owners of lot number two, on which are erected several valuable manufacturing establishments, have no means of access to or egress from said lot except by the Monongahela river, on which it is bounded; *And whereas*, it is represented that the citizens and inhabitants of said borough would be greatly benefited by the opening and continuation of said Perry street for public use, through lots number nine, eight, and two, to the Monongahela river aforesaid; Therefore,

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 Common Pleas of Allegheny county, on petition, shall appoint fifteen or more disinterested freeholders, who shall meet, on at least five days notice, and if any twelve or more attend, they shall view the premises, and if any twelve of these attending, being first duly sworn or affirmed by any judge or justice of the peace of the said county, to perform the duties imposed on them by this act with fidelity, shall decide that the said street is necessary for public use, through said lots number nine, eight, and two, to the Monongahela river aforesaid, they shall proceed to lay out the same for public use, an equal width with the rest of said street, and assess the damages done to any lot or lots, (taking into consideration the advantages accruing as well as the injury done,) and shall apportion the damages separately, upon the lots or parts of lots benefitted, according to a fair estimate of the benefit conferred on each lot, and designating the person or persons to whom such damage is done and payable; and if a sufficient number do not meet to act, or if they cannot agree, the court may at any time appoint others; the said viewers shall make report to the said court, and if approved by the court, said report shall be entered of record, and the said street through the said lots numbers nine, eight, and two, to the Monongahela river aforesaid, shall thenceforth be deemed and taken to be a lawful public street.

SECTION 2. The said viewers, or any twelve of them, being first duly sworn or affirmed as aforesaid, shall, in the manner and form, and agreeably to the directions as set forth in the first section of this act, also view Hill street, in said borough, from Centre street to the public road at the upper line of said borough, and if they agree that the widening of said street from Centre street to the public road aforesaid is right and necessary for public use, the said viewers shall report to the court, as is provided in the first section of this act; and said report shall be entered of record, and thenceforth said street shall be deemed and taken to be a lawful

public street, according to the report of said viewers; and the said viewers shall have full power and authority to view a certain street in said borough called Ross street, and if to them, or any twelve of them, said street shall appear to be useless and unnecessary for public use, they shall declare the same vacated, and shall file their report of record: *Provided*, That said report is first approved of by the court of Common Pleas of Allegheny county.

Ross street
may be vacated
if useless

Proviso.

Upon pay-
ment of costs
and damages
street to be
opened.

SECTION 3. As soon as the costs and damages so assessed shall be paid unto the persons in whose favour the same shall be awarded, or into said court, by any individual or individuals, the prothonotary shall so certify to the court, and the court shall order said street to be opened.

Damages to
be a lien.

SECTION 4. The said damages so assessed, shall to all intents and purposes, be a lien against the lot or lots upon which they may respectively be assessed, and if approved by the said court, the said court shall, by a writ or writs of scieri facias, in the name of the commonwealth, for the use of the person or persons entitled to receive the said damages, to be proceeded in the same manner as writs of scieri facias on mortgages are usually proceeded in, to recover the said damages so assessed, together with all costs incurred in the recovery of the same; and the said damages, when recovered, shall be paid over to the persons respectively in whose favour damages have been awarded, or their legal representatives.

How recov-
erable.

Costs.

SECTION 5. The costs of viewing and assessing damages shall be regulated as the costs of similar proceedings under the laws for laying out roads in this commonwealth.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.