

## No. 128.

**An Act**

To authorize the opening and extension of Robinson and Leacock streets, and Rebecca street, in the borough of Allegheny, and the opening of a sixty feet street between our lots numbered thirty-nine and forty, in said borough, 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 the court of Common Pleas of Allegheny county, on petition of the town council and other citizens of the borough of Allegheny, 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 through which it is proposed to extend Robinson and Leacock streets in the borough of Allegheny, as aforesaid, and if any twelve of those attending, being first*

Court to appoint viewers

To be sworn or affirmed.

Damages.

Viewers to report.

*duly sworn or affirmed to perform the duties imposed on them by this act with fidelity, shall decide that the opening and extension of said streets, up to the canal where it leads to the aqueduct, is necessary for public use, and ought to be so opened and extended, they shall proceed to lay out the said streets, having regard to the width said streets now are, from a point where said streets now terminate, to the canal where it leads to the aqueduct over the Allegheny river, and they shall assess the damages done to any lot or lots, taking into consideration the advantages accruing as well as the injury done, and shall charge the damage so done upon the lots or parts of lots so benefitted, according to a fair estimate of the benefit conferred on each lot, and designating the person 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, and the said viewers shall make report to court, and if approved by the court, said report shall be entered of record, and if said viewers shall report that said streets ought to be opened and extended as aforesaid, they shall thenceforth be deemed and taken to be lawful public streets.*

*SECTION 2. The said viewers, or any twelve of them, being first duly sworn or affirmed, as aforesaid, shall in the manner and form, agreeably to the directions as set forth in the first section of this act, also view Rebecca street in the borough of Allegheny, as aforesaid, and ascertain whether the opening and extension of said street along the south side of Seminary Hill, to intersect Ferry lane or Water lane, at the most convenient point; and if the same shall be deemed necessary*

Rebecca street to be viewed also.

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.

SECTION 3. The said viewers are also hereby empowered and authorized, under the restrictions, and in the manner and form, and agreeably to the direction of the first section of this act, to view and lay out a street of sixty feet in width, between out lots number thirty-nine and forty, in said borough of Allegheny, from the Allegheny river to the common ground, and they shall decide whether the said street of sixty feet is right and necessary for public use, and if any twelve of said viewers shall so decide, they shall report to court, and their report shall be filed of record, and said street from thenceforth shall be deemed and taken to be a sixty feet public street, and said viewers may, if they see proper, alter the name it now has, and give said street any other name.

SECTION 4. The said damages so assessed in opening any of the streets mentioned in this act shall, to all intents and purposes, be a lien against the lot or lots upon which they may respectively be assessed, and the same shall be recoverable by writ of *scire facias*, in the name of the commonwealth, for the use of the person in favour of whom such damages are assessed, as debts secured by mortgage are now by law recoverable; such *scire facias* to be issued so soon as the court shall confirm the said report.

SECTION 5. As soon as the costs and the damages so assessed shall be paid unto the persons in whose favour the same shall be awarded, or into the said court, by any individual or individuals, the prothonotary shall so certify to the court, and the court shall order said streets to be opened, and the same shall be opened by the street commissioners and the burgess of the borough of Allegheny.

SECTION 6. That the act entitled "An act securing to mechanics and others, payment for their labor and materials in erecting any house or building within the city and county of Philadelphia," passed the seventeenth of March, one thousand eight hundred and six, and the supplements thereto, passed the twenty-eighth of March, eighteen hundred and eight, and the thirtieth of March, eighteen hundred and thirty-one, be and they are hereby extended to Susquehanna county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.