

No. 266.

AN ACT

Declaratory of the fourth section of an act supplementary to the charter of the Pennsylvania railroad company, approved March twenty-seventh, one thousand eight hundred and forty-eight.

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 last proviso to the fourth section of the supplement to the act to incorporate the Pennsylvania railroad company, passed the twenty-seventh day of March, one thousand eight hundred and forty-eight, shall be so construed, that those cases wherein proceedings have been commenced under the twelfth section of the act of the thirteenth of April, one thousand eight hundred and forty-six, and have been proceeded in, shall be continued to final judgment and execution, under and according to the provisions of the act of one thousand eight hundred and forty-six, which as well as the said proviso, shall remain in full force for that purpose.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 267.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the city of Allegheny;" regulating streets in the city of Pittsburgh, and authorize the town council of Monongahela City, in Washington county, to collect wharfage.

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 city councils of the city of Allegheny, shall have power by ordinance, to grade and pave, and repair, or M'Adamize any pavement, street, lane, alley or sidewalk, or any parts thereof, within the corporate limits thereof, on the petition of not less than two-thirds of the City councils of the city of Allegheny, powers of, to grade, &c.

number of owners of any lots, section, square, or parts of a square of said city, bounding or abutting on such street, lane, alley or sidewalk, so to be graded and paved, or repaired, or M'Adamized, and shall have power to levy and collect a special tax for defraying the costs and expenses of the same, by an equal assessment on the feet front, bounding and abutting as aforesaid.

Meaning of the term owner or owners.

SECTION 2. That for the purpose of grading, paving, and repairing, or M'Adamizing any street, lane, alley, or sidewalk, the term owner or owners used in this act, is hereby declared to mean any person or persons who may own lease upon lands, for any term not less than ninety-nine years, renewable forever, or any freehold estate, either for life or otherwise, upon any ground to be affected by such petition; and all taxes and assessments levied or made by virtue of this act, shall be a lien upon the real estate upon which they may be assessed, from the time of filing such petition, or making such assessment, until it shall be fully paid and satisfied.

Reed street.

Ellicot street.

SECTION 3. That Reed street as laid out in the plan of the city district, in the Seventh ward of the city of Pittsburg, be from henceforth forty feet in width, as the same was laid out and located prior to the laying out of the said city district: that Ellicot street, as laid out in the plan of the city district as aforesaid, be and the same is hereby annulled and wholly vacated: and that Caldwell street, in the said plan of the city district, be and the same is hereby reduced from sixty feet in width, to fifty feet in width, from Wine street to the line of said city district, and for that purpose ten feet is hereby thrown off the north side of said street, leaving the said street fifty feet in width, measuring from the southern boundary thereof.

Court of quarter sessions of Allegheny county may vacate, &c.

Proviso.

SECTION 4. That in all cases where under the provisions of the act of sixteenth June, one thousand eight hundred and thirty-six, entitled "An Act to authorize suit to be brought on the official bond of William B. Mitchell," and the various supplements thereto, the viewers appointed to assess damages have certified, or may certify, and report to the court of quarter sessions of Allegheny county, that they cannot find property benefitted by the opening of any such street, lane or alley in the city district, and cannot equitably assess the damages that may be sustained by any owner or owners of property, through which such street or streets, alley or alleys may be opened, or three-fourths of the same, as provided for by the supplement to the act aforesaid, passed the fifteenth day of March, one thousand eight hundred and forty-seven, then and in every such case, the court of quarter sessions of the county aforesaid, is hereby empowered and authorized to vacate the whole or any part of any such street, lane or alley; and the viewers appointed under said act, and the various supplements thereto, shall, in estimating the advantages accruing to property, take into account and assess all property that may be benefitted, whether adjoining such street, lane or alley or not: *Provided*, That the said court of quarter sessions may, upon application, order a review of any street, lane or alley, that may have been vacated under the provisions of this act: *And provided further*, That in every case where streets, lanes or alleys may be vacated for parts of the same under the foregoing provisions, the city and county taxes paid by the owner or owners of such property as may have been covered by such street, lane or alley so vacated, shall be refunded from the date that such street, lane or alley may have been declared open by the city councils: *And further*, That the fifth section of an act, entitled "An Act relative to public roads in certain counties therein named," passed the twenty-fourth day of February, one thousand eight hundred and forty-five, be and the same is hereby

repealed : *Provided*, That one-third of the viewers hereafter to be appointed to assess damages as aforesaid, shall be appointed by the court of quarter sessions, one-third by the councils of the city of Pittsburg, and one-third by the commissioners of Allegheny county.

SECTION 5. That the town council of the borough of Monongahela City, in the county of Washington, be and they are hereby authorized to levy and collect a tax for wharfage on all steamboats stopping to receive or discharge freight or passengers at the wharf, or any landing at said borough, said tax not to exceed the sum of twenty-five cents a boat for each stoppage.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 268.

AN ACT

For the relief of Samuel White.

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 Auditor General be and he is hereby authorized to examine the claim of Samuel White, late collector of tolls at the state bridge at Duncan's Island, for damages alleged to have been sustained in consequence of the destruction of his property by fire, occasioned by the burning of said bridge in eighteen hundred and forty-six, and allow him a credit upon his account for the actual loss which he shall prove by sufficient testimony to have been sustained by him by reason of said fire: *Provided*, The amount does not exceed one hundred and fifty dollars.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.