

commence on the first day of January, one thousand eight hundred and thirty-three.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 83.

AN ACT

Relative to certain streets, alleys and public landings, in the county of Philadelphia and in the city of Pittsburg, and for other purposes.

WHEREAS, by an act passed the first day of April, eighteen hundred and thirty-one, entitled "An act relative to certain streets and alleys in the city of Pittsburg, and for other purposes," the damages accruing by the opening of Ferry street, in the city of Pittsburg, from Fourth to Liberty street, have been apportioned upon each of the owners of property benefited thereby, in proportion to the value respectively accruing to each of the lots, or parts of lots owned by them, and the viewers appointed under the said act have filed their appraisal and apportionment in the court of Quarter Sessions for Allegheny county, and the same has been recorded at large upon the docket of said court, binding and concluding all parties owning, or claiming to own the premises affected thereby: *And whereas*, it has been held that the remedy provided in the fifth section of said act, for enforcing payment, applies exclusively to the provisions immediately antecedent thereto, which relate to Grant street and Cherry alley, by means whereof the legislative provisions, in reference to Ferry street, cannot be carried into effectual execution: Therefore,

SECT. 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 remedy provided in the fifth section of said act, for enforcing payment of any assessment or charge, shall be and is hereby expressly declared applicable to the sums apportioned in the report of the viewers, under the second section of said act; and the money, when recovered,

Preamble.
Rel. to the 5th
sect. of act of
1st April,
1831.

Remedy under 5th sect. made applicable to report under 2d section.

shall in like manner be paid over to the persons respectively in whose favor damages have been awarded, or their legal representatives.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the damages assessed and apportioned by the viewers appointed by the act passed on the seventh day of April, one thousand eight hundred and thirty two, entitled "An act to authorize the laying out and opening of an alley, to be called Market alley, in the city of Pittsburg on certain conditions," and by the act passed the tenth day of January, one thousand eight hundred and thirty two, entitled "An act to authorize the opening of Exchange alley, in the city of Pittsburg, on certain conditions," to which this is a supplement, upon the lots or parts of lots benefited, shall, if approved by the court of Common Pleas of Allegheny county, as in and by said acts are directed, be a lien upon the premises respectively on which said damages are assessed; and the said court of Common Pleas shall, by a writ or writs of *scire 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 in the same manner as writs of *scire facias* on mortgages are usually proceeded in, 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 favor damages have been awarded, or their legal representatives.

Damages assessed by viewers under acts of the 10th Jan. and 7th April, 1832, if approved to be a lien on premises.

Proceedings for recovery.

AND WHEREAS, it has been represented to this Legislature, that an extension of Exchange alley, in the city of Pittsburg, from Garrison alley to Wayne street, is much needed by the inhabitants of said city: Therefore,

Preamble to 3d section.

SECT. 3. *And be it further enacted by the authority aforesaid,* 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 those attending, being first duly sworn or affirmed to perform the duties imposed on them by this act with fidelity, shall decide that the said alley is necessary for public use, through from Garrison alley to Wayne street, they shall proceed to lay out the same twenty feet wide, and an equal distance, from Liberty and Penn streets, 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 benefited, 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

Opening of Exchange alley from Garrison alley to Wayne street provided for.

Width.

Apportionment of damages, &c.

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 alley shall thenceforth be deemed and taken to be a lawful public alley.

UPON PAYM'T. OF AWARDED DAMAGES ALLEY TO BE OPENED.

SECT. 4. *And be it further enacted by the authority aforesaid,* That as soon as the costs and the damages so assessed shall be paid unto the persons in whose favor 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 alley to be opened.

SECURITY FOR AND RECOVERY OF DAMAGES.

SECT. 5. *And be it further enacted by the authority aforesaid,* That 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 *scire 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 in the same manner as writs of *scire facias* on mortgages are usually proceeded into, 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 favor damages have been awarded, or their legal representatives.

OF THE COSTS OF VIEWING AND ASSESSING.

SECT. 6. *And be it further enacted by the authority aforesaid,* That 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.

SHIPPEN ST. PHILAD. FROM 3d TO 5th ST'S. TO BE WIDENED.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the commissioners of the district of Southwark, are hereby authorized to widen Shippen street from Third to Fifth street, to the width of one hundred and twenty feet, the damages to be paid by the county in the usual way.

CERTAIN AUTHORITY TO SUPREME COURT UNDER ACT OF 12th APRIL, 1828, RELATIVE TO LANDINGS, &c. IN N. LIBERTIES.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for either one or more of the parties named in the first section of the act, entitled "An act relative to certain public landings and wharves in the Northern Liberties, Philadelphia county, vested in the commissioners of the incorporated district of the Northern Liberties," passed the twelfth day of April, one thousand eight hundred and twenty-eight, to apply by petition to the Supreme court for the Eastern district of Pennsylvania, for the purpose therein mentioned, and after a citation and reasonable notice from said court, to be served on all of the parties therein named, who shall not join in such petition, it shall be lawful for the said court to proceed in the premises whether such parties or any of them shall appear or not.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the assessed value of real estate, to which regard

shall be had, as provided in the said act, shall be the triennial assessment next previous to the decision which shall be had under said act.

Triennial assessment prior to decision to shew value.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the commissioners of the township of Moyamensing, in the county of Philadelphia, be and they are hereby authorized and invested with full power to borrow upon the faith of the corporation, the sum of fifteen thousand dollars, to enable them to purchase a lot and erect thereon a town hall for the convenience of said township.

Comm'rs of Moyamensing authorized to borrow \$15,000 for certain purposes.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 89.

AN ACT

Authorizing the re-laying of certain land warrants in Mercer county.

SECT. 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 deputy surveyor of Mercer county be, and he is hereby authorized to relay on any unappropriated land in the said county of Mercer, seven warrants owned by Alexander Wright, to wit: three of them bearing date the sixteenth day of December, one thousand seven hundred and ninety-three, in the names of Alexander Wright, Dorothy Wright and James Wright; and four of them bearing date the eighteenth day of December, one thousand seven hundred and ninety-four; two of them in the name of John Donaldson, and two of them in the names of Robert Thompson and John Craig, and the Secretary of the Land Office is hereby authorized to issue patents on the said warrants so re surveyed, on the payment of the usual office fees: *Provided,* That nothing contained in this act shall impair or affect the rights of any other person or persons: *And provided also,*

Seven warrants owned by A. Wright

Patents on re-surveys. Proviso.