

M'Kean county, on a testatum writ directed to him from the court of common pleas of Lycoming county.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 311.

SUPPLEMENT

To an act, entitled "An Act to authorize suit to be brought on the official bond of William B. Mitchell, late superintendent," passed sixteenth June, Anno Domini eighteen hundred thirty-six.

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 viewers appointed under the act to which this is a supplement, shall inquire what damages the owner or owners of lands, houses or other property may sustain, by reason of the opening of any street or streets, alley or alleys in the plan of the said city district, taking into consideration the advantages that may accrue to any person petitioning for damages; and the said viewers shall further proceed to ascertain, as far as possible, the names of all the owners of lots, or parts of lots, who may receive any benefit or increase of value to their property adjacent to said street or alley, and the said viewers shall apportion the amount thereof fairly and equitably upon each of the said owners, or in case the said owners cannot be ascertained, upon the lot or lots so benefited, in proportion to the value of each of said lots or parts of lots: *Provided,* That in case the said viewers shall in any instance believe that the amount of said damage cannot equitably be assessed upon the adjacent property, and shall so certify, then they may direct that an amount, not exceeding one-fourth of the whole sum, shall be paid from the treasury of Allegheny county; the whole proceedings to be subject to the approval of the court, as in other cases of road damages.

Viewers to assess damages occasioned by the opening of streets and alleys in Pittsburg.

Proviso.

Report of viewers

SECTION 2. That the said viewers, having as aforesaid made such assessment and apportionment of damages, which when returned into said court shall be approved by said court, and shall be entered and recorded at large upon the docket of said court, which thereupon shall bind and conclude all parties owning or claiming to own the property affected by this act, or the proceedings under it; and the sums therein specified to be payable, shall be and remain a lien upon each lot or parts of lots to the extent of the assessment and charge thereon, until duly satisfied and paid by said owner or owners.

SECTION 3. That the amount of the damages thus assessed and remaining a lien upon said lots, may at any time be discharged by the owner or owners paying the amount thereof into the treasury of the city of Pittsburg, for the use of the persons entitled thereto, and unless paid within one year after said confirmation by court as aforesaid, the lot or parcel of ground may be levied upon and sold, under a writ of *levari facias* issued in the name of the mayor, aldermen and citizens of Pittsburg, at the instance of any person interested; and the moneys so assessed and paid into the city treasury, shall be paid over to persons entitled thereto, or to their legal representatives.

Amount of damages to be a lien on lots.

SECTION 4. That all former laws, inconsistent herewith, be and the same are hereby repealed.

Repeal.

SECTION 5. The court of quarter sessions of the peace of Allegheny county, be and the same hereby is authorized and empowered, upon application by petition, to appoint viewers to view Katharine street, in the city of Pittsburg, as the same is now located on the plan of the city district, and adopted by said city; and on the report of said viewers to vacate the whole or any part of said street, and if desired by the petitioners, to substitute in lieu thereof an alley or alleys, not less than twenty feet in width, running as nearly as may be parallel to Bedford and Cliff streets in said city, and extending from one cross street to another; and the said court shall proceed therein in the same manner in all respects as is directed by the existing laws relating to roads and highways.

Court to appoint viewers who may vacate Katharine street, in Pittsburg, and lay out alleys.

JAMES COOPER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 312.

AN ACT

Relative to the settlement of the accounts of Peter Märtz.

WHEREAS, It appears that errors have been committed in the two last settlements of Peter Märtz, late supervisor on the Susquehanna division of the Pennsylvania canal, and that injustice will be done to his sureties thereby; therefore,

Preamble.

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 and state treasurer, be and they are hereby authorized and required, to open, re-examine and settle the two last accounts or settlements of Peter Märtz, late supervisor on the Susquehanna division of the Pennsylvania canal; and that notice be given to the sure-

Auditor general and state treasurer to re-examine and settle accounts.