

No. 307.

A FURTHER SUPPLEMENT

To the act erecting the town of Birmingham, in the county of Allegheny, into a borough, and relating to the pay of the county commissioners of Lebanon county.

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 town council of the borough of Birmingham, in the county of Allegheny, when they shall consider that the opening of any new street, lane or alley within the said borough, or that an increase of width of any street, lane or alley already laid out and opened, is necessary for the use and convenience of the public, shall have power, and they are hereby authorized thereupon to direct and determine the location and limits of such street, lane or alley, or the increase of width necessary in any case as aforesaid; and a plan or specification of such location or determination of increase of width, shall be made and deposited in the office of the recording regulator of the said borough, for public examination and inspection, whereof notice shall be given in at least two newspapers published in the county of Allegheny; and any owner or owners of ground lying on the line of such street, lane or alley, who shall consider that he, she or they shall suffer damage from the opening or widening of the same, may apply by petition to the next court of quarter sessions of the county of Allegheny, by whom such orders and appointments shall be made; and the same proceedings in every respect shall be had for the view, appraisalment of damages, the report thereof and confirmation of the same as are directed by the provisions of the general road laws of this commonwealth; and the said council, so soon as they shall have caused payment of damages assessed to be made to persons entitled to receive the same according to the report of the viewers, returned to the said court, and confirmed by the same, may proceed to cause such street, lane or alley to be opened forthwith; and the same shall forever thereafter be taken and allowed to be a public highway, for the same uses and purposes as the other streets, lanes and alleys within the said borough: *Provided nevertheless,* That if the damages ascertained in the manner aforesaid, shall not have been paid within one year from the time of the confirmation of the report of the same, then the proceedings had in pursuance of the provisions of this section, shall be held thereafter null and void.

Town council authorized to lay out and widen streets, lanes and alleys.

Assessment of damages regulated.

Provided.

SECTION 2. That the viewers appointed under the foregoing section shall inquire what damages the owner or owners of lands, houses or other property may sustain by reason of the opening or widening of any street or streets, alley or alleys, in the borough aforesaid, 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 shall assess on such lot or lots, or parts of lots, an amount which the said viewers shall think the said lot or lots, or piece of lot, shall be benefitted by the opening or widening of such street or streets, lanes or alleys; and in case the

Duty of viewers of damages.

total sum of damages to be paid to all persons in consequence of the opening or the widening of any street, lane or alley as aforesaid, shall exceed the total assessments to be paid by those benefited by the opening or widening of any street, lane or alley as aforesaid, the excess shall be paid by the borough of Birmingham; the whole proceedings shall be subject to the approval of the court, as in other cases of road damages.

Report to be entered of record. SECTION 3. That the said viewers, having 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 sum 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.

Amount to be a lien. SECTION 4. That the amount of 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 borough of Birmingham, 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 burgess and town council of the borough of Birmingham, at the instance of any person interested; and the moneys so assessed and paid into the borough treasury, shall be paid over to the persons entitled thereto, or to their legal representatives.

Town council authorized to pass ordinances, &c., compelling foot ways, &c. to be paved.

SECTION 5. That the town council of the said borough of Birmingham, may at their sessions enact, ordain, revive, repeal and amend all such by-laws, ordinances, rules and regulations, as shall be deemed expedient to compel the owner and owners of any lots of ground, in said borough, to pave in such manner as the said town council, by their ordinance, may direct, the footways or sidewalks of said borough, and to renew all pavements already made, which shall have decayed or worn out; and in case the said owner or owners shall refuse or neglect, after having received one month's notice from the said council, by the hands of any borough officer, or if the said owner or owners do not reside within the said borough, then after a notice shall have been put up upon their lots for one month, to pave in accordance with the ordinance aforesaid, and to renew the pavements as aforesaid, the town council aforesaid, shall cause the said pavement to be made or renewed at the expense of the said owner or owners; and in all cases where the town council as aforesaid, shall pave, in default of any owner of any lot, the footways as aforesaid, the council may charge the owner of said lot the additional sum of ten per cent. on all bills of materials furnished, and labor expended in paving in front of said lot or lots, to defray the expense of superintending the same; and after the said pavement or pavements are completed, it shall be lawful for the said council to file a certificate for the amount of the cost thereof, signed by the burgess, and attested by the clerk of the council, in the office of the prothonotary of the court of common pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket; which certificate shall, from such entry, have the same operation and effect as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided nevertheless*, That no owner of any lot shall be compelled to pave in front thereof, until the town council as aforesaid, shall first have graded the street to the established grade of said street.

Proceedings in case of refusal or neglect.

Enter liens.

Proviso.

SECTION 6. That all former laws inconsistent herewith, be and the Repeal. same are hereby repealed.

SECTION 7. That the county commissioners, who may hereafter be Pay of commis- elected or appointed in and for the county of Lebanon, shall respec- sioners of Leba- tively receive the sum of one dollar and fifty cents for each day they non county fixed. shall necessarily attend to the duties of their office: *Provided*, That Proviso. the pay of any one of the said commissioners, shall not exceed one hundred and fifty dollars per annum.

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

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 308.

AN ACT

Regulating the sale of corn meal in the counties of Bucks, Montgomery, Delaware, and the city and county of Philadelphia, for the extension of the Springhouse and Sumneytown turnpike road, and for the relief of S. W. Lippencott.

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 from and after the first day of August, one thousand eight hundred and Sale of corn meal forty-eight, it shall not be lawful for any person within the counties of to be made by Bucks, Montgomery, Philadelphia and Delaware, and the city of Phila- weight. delphia, to sell Indian corn meal in any other way than by weight; and any person who shall, after the day aforesaid, sell Indian corn meal by measure, or in any other way than by weight, shall be liable, for each and every offence, to a fine of five dollars, which may be re- Penalty for vio- covered before any alderman or justice of the peace, as sums of like lation. amount are by law recoverable—one-half whereof shall go to the in- former, and the other half to the use of the city or county wherein such conviction takes place: *Provided*, That nothing herein contained Proviso. shall be construed to prohibit the sale of Indian corn meal by the hogs- head, barrel or half barrel, as is now provided for by the inspection laws of this commonwealth.

SECTION 2. That the Springhouse and Sumneytown turnpike road Springhouse and company are hereby authorized to extend their turnpike road from its pre- Sumneytown sent terminus, in Sumneytown, Montgomery county, to Green Lane tav- turnpike road ern, there forming a junction with the Perkiomen and Sumneytown turn- company, author- pike road; and that the said extension shall, in all respects, be subject ized to extend to all and singular the provisions and penalties of the act to which this road to Green is a supplement. Lane tavern.