

No. 186.

AN ACT

To authorize the town council of Pottsville to open and enlarge Logan's court, and to open an alley between Second and Centre streets, in the borough of Pottsville, Schuylkill county; in relation to streets in Freeport and Easton; and in relation to a private railroad in Phoenixville; and to vacate a certain road in the borough of Northumberland.

Additional powers granted to the borough of Pottsville.

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 corporation of the borough of Pottsville, shall have full power and authority, and they are hereby enjoined and required to lay out, enlarge and open a certain court or alley, marked on the map or plan of said borough as Logan's court, so that the same shall connect with and open out into East Market street, or Contention alley, on the south, and with Callowhill street on the north, and be made of the width of twenty feet throughout, and remain a public street or highway of the borough aforesaid; the said corporation are also enjoined and required to lay out, enlarge and open a twenty feet wide alley, from Callowhill street to High street, parallel to Centre street, at the distance of one hundred and forty-two feet from Centre street, between Second street and Centre street, in the borough of Pottsville aforesaid.

Damages, how adjusted.

SECTION 2. The owner or owners of any lot or land through which said street shall be opened out as aforesaid, may apply to the town council of the corporation aforesaid, within one year from the opening of the same, by petition, setting forth the injury he, she or they may have sustained thereby; and thereupon it shall be the duty of the council aforesaid, to appoint one disinterested person, and the said petitioner may appoint a second, and the two persons thus chosen a third, whose duty it shall be after being duly sworn or affirmed, well and truly to view the premises and justly to assess the damages, if any, which said petitioner may have sustained, considering the advantages of said street to said petitioner; and the said viewers, or a majority of them, shall file their report with the town council aforesaid, which said report shall be final and conclusive on all parties thereto, and thereupon it shall be the duty of the corporation aforesaid, to pay the amount so found, if any thing, to the said petitioner, or his or her legal representatives: *Provided,* That nothing herein contained shall prevent any owner or owners of lots or land as aforesaid, from bringing his, her or their suit or suits in the court of common pleas of Schuylkill county, to recover damages for the opening out of the alleys or courts as aforesaid, or to recover the amount of damages which the said viewers as aforesaid may assess, in case the said corporation do not pay the same within thirty days from the time the report as aforesaid shall be filed.

Borough of Freeport, Armstrong county, relative to a street in.

SECTION 3. That the burgess and town council of the borough of Freeport, in the county of Armstrong, are hereby authorized and required to lay out and open a street or highway, from the south end of the bridge which connects Todd's island with said borough, so as to intersect Main street, on said island.

SECTION 4. It shall be the duty of the said burgess and town council, or a majority of them, first having taken an oath or affirmation before some justice of the peace, to perform the duties enjoined upon them by this act with fidelity, to proceed as soon after the passage of this act as convenient, to attend to the duties specified in the preceding section of this act; and if in their opinion, or the opinion of a majority of them, said street ought to be laid out and opened, then they shall make out a plot or draft of said street so to be laid out and opened, by its courses and distances, having regard to the best ground, and the least possible damage to property; and they shall also make report of the width of said street, and make return of the same, under their hands and seals, to the next court of quarter sessions of Armstrong county, to be entered of record; and thereupon the said street shall become a public highway; and it shall be the duty of the street commissioners of the said borough of Freeport, to proceed forthwith to open the same.

SECTION 5. The court of quarter sessions of the county of Armstrong, on the petition of any owner of any lot or land through which said street shall be laid out and opened, representing that he or she has sustained damages by the laying out and opening of the same, shall appoint three freeholders of said county to view the premises and adjudge the amount of damages, if any sustained, taking into consideration the probable advantages of the said street to the complainant; and the said amount shall be paid, after being approved by the court, out of the county treasury: *Provided always*, That the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before a justice of the peace of said county, justly and truly to value the same, and to consider the advantages, as well as disadvantages of the laying out and opening said street, to the complainant.

Damages, how
adjusted.

SECTION 6. That hereafter whenever any individuals shall open or dedicate streets or alleys for public use in the borough of Easton, they shall submit the plan or plans thereof to the town council of said borough, and shall obtain the approbation of the said council to the same, and that such approbation shall be withheld from any such streets or alleys, if they do not conform as far as practicable to the plan of said town; and that in all cases of views of streets or roads in said borough, the report shall not be confirmed or allowed by the court if they do not conform to the plan of the town, or if they will destroy or mar the symmetry of said borough; and that no public street shall be laid out of less width than sixty feet, nor any public alley of a less width than twenty feet, except with the assent of said town council.

Borough of Easton, relative to streets or alleys

SECTION 7. That the partnership firm of Reeves, Buck & Co., of the borough of Phoenixville, in the county of Chester, be and hereby are authorized and empowered to construct and lay down a railroad, commencing at the Philadelphia and Reading railroad, south of and near to the Phoenixville depot on said road, and running thence along the south side of Bridge street, to a lot belonging to Samuel A. Whitaker; thence crossing said Bridge street to the north side of said street, at a grade not exceeding six inches above the grade of the centre of said street, as fixed by the authorities of the said borough; thence along the north side of Mill street and across French creek bridge on Main street; and thence to the rolling mills and furnaces of the said firm of Reeves, Buck & Co.; the said road to be laid upon the private property of the said firm, except where it runs upon the public thoroughfares aforesaid.

Reeves, Buck, & Co., authorized to construct a railroad.

SECTION 8. That the said firm of Reeves, Buck & Co., their heirs and assigns, be and hereby are authorized and empowered to place cars

Authorized to place cars and horses on said road.

Footway.

Borough of Northumberland, to vacate a certain street in.

and horses upon the said railroad, and to haul and transport upon and over the same, all kinds of goods, wares and merchandize; and to possess, occupy and use the said railroad, to all intents and purposes, as their own private property: *Provided nevertheless*, That so soon as the said railroad is laid upon the aforesaid bridge across French creek, the rail whereof to be of the L shape, and shall be level with the grade of the street where it crosses Bridge street, and upon the bridge, the said firm of Reeves, Buck & Co., shall construct a convenient and substantial footway over the said creek, to be attached to the said bridge, on the west side of the same, four and an half feet wide, to commence opposite the machine shop of the said firm, and to extend three hundred and two feet in length; and that the said firm of Reeves, Buck & Co., shall also raise the bridge across the canal belonging to the said firm, opposite the said bridge across French creek, seven and an half feet, or so high as to permit the passage of an empty canal boat freely under it, and shall also do all the necessary filling required on each end of the said bridge for the convenience of public travel; the raising of said canal bridge, and the filling up aforesaid, to be done by said firm of Reeves, Buck & Co., so soon as the burgess and town council of the borough of Phoenixville aforesaid, shall build a wall along the north side of said canal, commencing at the north side of said bridge, sufficient to receive said filling; and that the said firm of Reeves, Buck & Co., shall raise the guard walls at the ends of the aforesaid bridge across French creek, to the same height as the side walls are at the centre of said bridge.

SECTION 9. That the old road or street running diagonally from the corner of Queen and Sixth streets, in the borough of Northumberland, Northumberland county, across lots numbered respectively, number one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, and one hundred and seventy-two, to the corner of Duke and Seventh streets in said borough, be and the same is hereby vacated.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.