

ment on the foot front. Any portion of such cost not assessed against abutting property shall be paid one-half by each of the municipal divisions joining in the improvement. Foot front rule.

Section 4. Thirty days notice of assessments of the whole cost or part of the cost of any such improvement shall be given to each party assessed, either by service on the owner or his agent, or posted on the premises by the clerk or secretary of the city, borough or township making the improvement. If any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the city, borough or township solicitor, as the case may be, to collect the same, with interest from the time of the completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. Notice of assessment.

When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots shall be embraced in one claim. Collection of assessment.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 243

AN ACT

Conferring on the Department of Highways the right to enter upon private property adjacent to highways or bridges under the control and supervision of the said department for the purpose of changing or protecting existing stream channels in order to protect said highways or bridges in a proper manner; providing for the approval of said changes by the Department of Forests and Waters; and providing for the ascertainment and payment of damages occasioned thereby.

Section 1. Be it enacted, &c., That the Department of Highways shall be and is hereby authorized to enter upon private property adjacent to or in the vicinity of highways or bridges constructed or maintained in whole or in part by the Commonwealth, or any highway or bridge under the jurisdiction of said department, and change or protect existing stream channels, where it is deemed advisable, in order to protect improved highways or bridges, within the limits of any borough, town, incorporated town, or township, from damage due to erosion or high water. Department of Highways.

Protection of highways and bridges by change of stream channels.

Section 2. Any such change to an existing stream channel by the Department of Highways shall first be approved by the Department of Forests and Waters. Approval by Department of Forests and Waters.

Section 3. The Secretary of Highways, when possible, shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid, which damages, if agreed upon, shall be paid Agreement as to damages.

by the Department of Highways; and in case no agreement satisfactory to the Secretary of Highways and the said owner or owners can be made, the Secretary of Highways may proceed with the changing or protecting of any stream channel, and the owner or owners of the property damaged thereby or the Secretary of Highways may present with petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways. Such damages, when ascertained, shall be paid by the Department of Highways from any moneys available for the construction or maintenance of State highway routes, and the Department of Highways shall be entitled to recover the same percentage of such damages and such part of the actual cost of making any change to or protecting any existing stream channel as it is now or hereafter authorized to be reimbursed for the maintenance of said highways.

Viewers.

Proceedings.

Payment of  
damages.

Reimbursement.

Act of April 29,  
1925 (P. L. 359),  
repealed.

Section 4. The act approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred fifty-nine), entitled "An act conferring on the Department of Highways the right to change or protect existing stream channels on private lands adjacent to highways in order to protect the highways in a proper manner; and providing for the approval of said changes by the Department of Forests and Waters," and its amendments, be and the same is hereby repealed.

When effective.

Section 5. This act shall become effective upon its approval by the Governor.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT