

EMINENT DOMAIN, APPEAL FROM DAMAGE AWARDS ALLOWED

Act of Apr. 15, 1891, P.L. 17, No. 10

Cl. 36

AN ACT

To provide for an appeal by county commissioners, cities or other municipalities, and all persons interested in the damages awarded for laying out, widening, grading, opening or changing the lines or grades of any public street, road or alley in this commonwealth, from the decree of the court of quarter sessions confirming the report of the viewers assessing such damages.

Section 1. Be it enacted, &c., That in all cases where a jury of view, review or re-review, appointed by any court of quarter sessions in this commonwealth, has or shall hereafter assess damages for the laying out, widening, grading, opening or changing the lines of grades of any public street, road or alley in this commonwealth, the county commissioners of the proper county, or the city or other municipal corporations required to pay the damages, or any owner or tenant of property through which said public street, road or alley, has been or shall be laid out, widened, graded, opened or changed, or which is affected by the change of grades, shall have the right to appeal to the court of common pleas of the proper county, from the decree of the court of quarter sessions confirming the award of such jury, for the determination of the question of damages by a jury, according to the course of the common law: Provided, The appeal be taken within thirty days after the final confirmation of the report of said jury: Provided, That notice be given to the commissioners of the proper county or their clerk, of the time and place of holding such view.

Section 2. Any appeal taken pursuant to this act shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done.

Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

(Partly repealed, 1915, Act No. 192, P. L. 312, Chapter XIII)