

charges and expenses of the same have been paid, and there shall be a balance of the assessments for benefits on hand, the said amount shall be refunded *pro rata* to the parties who [who] have paid in the same.

SEC. 11. *And be it enacted*, That a tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such tenant, or guardian of an infant owner, or trustees under deeds or wills, or orders of court in whom the legal title is vested, or a mortgagee in possession shall be deemed and taken as owners for the purpose of any application authorized and provided for by this sub-title, and the application of any such person shall bind the property so represented for any assessment or tax made under the provisions of this sub-title ; and when a part of a lot of ground shall be condemned for such street, avenue or alley, or part thereof, and the residue of the lot shall be effected or injured for the purpose for which it is used, or its value be impaired for building purposes, the fact shall be taken into consideration in assessing and awarding damages for the part taken, and in assessing benefits on the residue of such lot ; and whenever any street or avenue, or any part thereof, for which application is made to be condemned, opened, graded and constructed under the provisions of this sub-title, and all or any part of the bed of a road, street or avenue shall be adopted and used which may have been already graded and constructed, or partially graded and constructed, by the owners of the ground bounding and fronting thereon, or by their grantors or other persons prior to such adoption, condemnation and use thereof by the examiner or examiners appointed under the provisions of this sub-title, said examiner or examiners shall, in awarding damages, and in assessing benefits, take all such facts into consideration and make a just and proper allowance for such amounts as may have been already expended upon such road, street or avenue, or part thereof.

Who are deemed as owners.

SEC. 12. *And be it enacted*, That this act shall take effect from the date of its passage. **Effective.**

Approved April 5, 1888.