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OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA

PASSED AT THE

SESSION OF 1872

In the Ninety-sixth year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

B. SINGERLY, STATE PRINTER.

1872.

No. 1073.

An Act

For the appointment of water commissioners for the borough of Bedford, in Bedford 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 Thomas M. Lynch, Isaac Mengal and Frederick Benedict be and they are hereby appointed commissioners for the purpose of procuring for and introducing into the borough of Bedford a sufficient supply of fresh and pure water for the inhabitants thereof; the said commissioners shall have full power and authority to lease or purchase, take, enter upon, occupy and hold any lands and tenements, fountains, springs, stream or streams of water necessary for procuring, conducting and conveying fresh and pure water to said borough, making compensation to the owner or owners thereof in the manner hereinafter provided.

Commissioners appointed.

May enter upon and occupy lands.

SECTION 2. That the said commissioners shall have power and authority to provide, erect, construct and maintain all works and machinery necessary or proper for introducing into and distributing through said borough a sufficient supply of fresh and pure water, and to provide, erect, construct and maintain all proper and necessary buildings, dams, trenches, pipes, hydrants, cisterns and reservoirs, and all things necessary or proper to the full and entire completion of the same; and for this purpose the said commissioners are hereby authorized and empowered by themselves, their agents, artisans, engineers and workmen, with their instruments, tools, carts, wagons and other carriages and beasts of burden or draft, from time to time, and at all times hereafter, to enter into and upon any lands or enclosures and public or private roads, highway or street as may be necessary, and to occupy, dig, ditch and lay pipes through or along the same, and to erect, construct and maintain thereon such machinery, ditches, drains, hydrants, cisterns and reservoirs as may be needful, necessary and proper for the purposes aforesaid, and the same to raise, alter or repair, doing as little damage to private property as possible, and making compensation therefor to the owner or owners in the manner hereinafter provided.

Authorized to erect works.

May enter upon lands and highways to dig ditches, lay pipes, &c.

SECTION 3. That if the said commissioners cannot agree with the owner or owners of any lands and tenements, fountains, springs, stream or streams of water or enclosure purchased, taken, occupied, diverted and held by them for the purposes aforesaid, they shall take a deed or release for the same to the borough of Bedford; if the said commissioners cannot agree with the owner or owners for the lands and tenements, springs, stream or streams of water purchased, taken, occupied, diverted and held by them, or for the damage done

Deeds for lands taken, and damages, relative to.

to any tenements, fountains, springs, stream or streams of water, enclosure, road or street, or where, by reason of the absence or legal incapacity of the owner or owners, no compensation can be agreed upon, the court of common pleas of the county of Bedford, or one of the judges thereof in vacation, on the application by petition of the said commissioners, or owner or owners, or any one in behalf of either, shall appoint three disinterested freeholders, neither of whom shall be residents or property holders of the borough or township of Bedford, and appoint a time, not less than ten nor more than twenty days thereafter, for said viewers to meet at or upon the premises, where the damages are alleged to have been sustained, of which time and place five days' notice shall be given by the petitioners to the said viewers and the other party; and the said viewers or any two of them having been first duly sworn or affirmed, faithfully, justly and impartially to decide, and a true report to make concerning all matters and things submitted to them, and having viewed the premises, they shall estimate and determine the quantity, quality and value of the lands and tenements, fountains, springs, stream or streams of water so taken, occupied and held, and the amount of damage done and sustained by diverting streams of water, and entering in or upon lands and enclosures, roads and streets, and to whom payable, and make report thereof to the said court or one of the judges thereof, in five days after the said view is had; and if any damages be awarded, and the report confirmed by the court or a judge in vacation, judgment shall be entered thereon against the borough of Bedford, and if the amount thereof be not paid within six months after the entry of such judgment, execution may then issue thereon as in other cases of debt for the sum awarded and the costs and expenses incurred; and each of said viewers shall be entitled to three dollars per day for every day necessarily employed in the performance of the duties herein prescribed: *Provided*, That petitioners for viewers shall give the other party in interest forty-eight hours notice of the choosing of viewers.

May take possession of lands, &c., at once, upon tendering bond to claimants.

SECTION 4. That the said commissioners shall have full power and authority to enter at once into the possession and use of such premises, fountains, springs, stream or streams of water, enclosures, roads, streets, lands and tenements, upon giving or tendering to the claimant or claimants, their bond or bonds, in such amount with such security as may be approved by one of the judges of the court of common pleas of Bedford county, conditioned for the payment to the said claimant or claimants, shall be entitled to receive after assessment made as hereinbefore provided: *Provided*, That in all bonds given as aforesaid, Bedford borough shall be the payee or bonden, and the bond shall be signed by a majority of the said commissioners.

Quorum.

May borrow money and issue bonds therefor.

SECTION 5. Any two of said commissioners shall be a quorum for the transaction of business, and they are hereby authorized and empowered, for the purpose of carrying into full effect the provisions of this act, to borrow in the name and upon the faith, credit and responsibility of the said bor-

ough, such sum or sums of money as they may deem necessary for the aforesaid purposes, and to issue bonds or certificates of indebtedness in the name of the borough of Bedford, signed by a majority of the said water commissioners; said bonds shall be in amounts not less than fifty dollars, and at a rate of interest not exceeding nine per centum per annum, and payable not less than five nor more than twenty years from the date thereof: *Provided*, That said bonds or certificates shall not be subject to the payment of any state, county or municipal tax.

SECTION 6. The said commissioners shall have full power, from time to time, to borrow money, in the manner aforesaid, for the purposes of redeeming and paying off the aforesaid bonds or certificates issued by virtue of the last preceding section, and shall have all necessary power for levying, assessing and collecting taxes for paying the principal and interest on said bonds or certificates, and for all other purposes necessary in bringing the water to and distributing the same through said borough.

May borrow money to redeem loan, and levy tax.

SECTION 7. The said commissioners are hereby authorized to sue, in the name of the borough of Bedford, for any property sold by them as aforesaid, and for all damages and injury done to the water works, lands, pipes, drains, dams, hydrants, or for any other thing connected with the water works aforesaid; and all suits for lands, water damages or any property brought by said commissioners, for the purposes aforesaid, shall be brought against the borough of Bedford, and the process served upon two of the said commissioners.

Suits for damages, &c.

SECTION 8. The said commissioners shall have power to appoint one or more persons to superintend the said water works, to keep the reservoirs, pipes and hydrants in repair, and shall have full power to levy, assess and collect taxes for the purposes of paying the said superintendents for their services.

Superintendents.

SECTION 9. That the said commissioners shall meet within sixty days after the passage of this act, and after being duly sworn, shall immediately enter upon the duties of their office, and at once take charge of and have control of the water and water works of said borough; said commissioners shall be entitled to receive, as a compensation for their services, three dollars per day for each and every day spent by them in the performance of the duties hereby enjoined.

When commissioners to enter upon duties.

Compensation.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and seventy-two.

JNO. W. GEARY.