

Pennsylvania. Laws, statutes, etc.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1866,

In the Ninetieth Year of Independence.

WITH AN APPENDIX.

By Authority.

HARRISBURG:
SINGERLY & MYERS, STATE PRINTERS.
1866.

No. 1035.

An Act

Authorizing the borough council of the borough of Bethlehem, Pennsylvania, to purchase the water works, real estate and improvements of the Bethlehem Water Company; also, to make all such necessary improvements and extensions required, to borrow money, and appoint water commissioners to carry out said object.

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,*

Water commis-
sioners.

That the borough council of the borough of Bethlehem, Pennsylvania, shall have power to elect, by ballot, three persons as water commissioners, one person to serve for the term of one year, one person to serve for the term of two years, one person to serve for the term of three years; and thereafter they shall annually elect one person, to serve for the term of three years: *Provided*, That a majority of the commissioners, so elected, shall be members of council, and that before taking their seats, as commissioners, they shall enter into bonds, in the sum of one thousand dollars, for the faithful performance of their duties, during their term of office, to be approved by the burgess and council of the borough of Bethlehem.

Proviso.

Issue of bonds
authorized.

SECTION 2. The said commissioners, in conjunction with said council, shall have power to issue coupon bonds, to the amount of fifty thousand dollars, with the privilege of extending the same to seventy-five thousand dollars; said bonds to bear interest at the rate of six per centum per annum; said interest to be paid semi-annually; bonds to be redeemable in ten years, the council having the privilege of renewing the same to fifteen years: *Provided*, That no bonds shall be issued of a less denomination than fifty, nor greater than five hundred, dollars; the amount received from said bonds to be applied to the purchase of the Bethlehem Water Company's water works, and for the extension thereof, and all necessary improvements, required, and the continuance of introduction from the Bethlehem spring, or any other point, which may be determined upon by said council and commissioners; that the said commissioners and council, for the purpose aforementioned, be and are hereby authorized to construct a basin, or reservoir, for water, to hold a sufficient supply for the said borough, on ground, to be secured for said purpose, and shall proceed to construct the same, dig trenches, and lay down pipes, when deemed necessary, along the streets and alleys of said borough, and shall have liberty, at all times, to renew and repair the same, shutting up and amending any trenches which may be made, as soon as possible.

Proviso.

Proceeds, how
to be applied.

Construction of
works, &c.

SECTION 3. That the citizens shall have the use of the water for domestic and other purposes, for such reasonable compensation as shall, from time to time, be agreed upon by the said council and commissioners, having regard to the quantity of water which applicants are likely to consume: *Provided*, That the owners of the freehold, on and upon which said water is taken and used, shall, in all cases, be the parties with whom such contract, for the use of the water, shall be made, and the said real estate be bound, and be liable for the payment of the same, excepting and reserving, to the council and water commissioners, the right to contract with the lessees, or tenants, if they see proper to do so.

Use of water, by citizens, relative to.

Proviso.

SECTION 4. That the said council and water commissioners, and their successors in office, their superintendents, engineers and laborers, with their tools, instruments, carts, wagons and other carriages, beasts of burthen, or draft, may enter upon any lands, streets, alleys, lanes, or highways, whenever such entry shall be necessary for the purpose of bringing said water from the reservoir, or of introducing said water to any point, for any purpose, within and about the said borough, and to lay pipes, for the conveyance of water, through the said land, from time to time, and at all times thereafter, and, if necessary, for the purpose of taking up, and repairing, and laying down again, said pipes as often as the same may be required, and also, to take and convey sand, stone, earth and other materials necessary to the construction of said reservoir, or other improvements required, or to the proper laying down of the said pipes.

Right to enter upon lands, &c., and use materials.

SECTION 5. That if the parties cannot agree upon the compensation to be made the owner, or owners, of any such lands, enclosures, public, or private, road, highways, it shall and may be lawful for either party to present his, or their, petition to the court of quarter sessions of the county, setting forth the facts, and praying the court to appoint proper persons to view the lands and premises, and value the same, or assess the damages; whereupon the court shall appoint three suitable and disinterested persons, whose duty it shall be, after being first sworn, or affirmed, to view the lands and premises, and injuries complained of, and make report of the damages done, or value of the said lands, to the next court of quarter sessions; upon which report judgment shall be entered, and execution issued, as in other cases of debt; nevertheless, should either party feel himself, or themselves, aggrieved, they shall have the privilege of filing exceptions to said report, at any time, during the first week of the court, and, also, a right to a writ of error; for which services the viewers shall be entitled to one dollar per day, and the officers of the court the same fees as for similar services, or proceedings, in other cases, to be paid by the parties against whom the report shall be made.

Compensation, relative to.

Mode of assessing damages, in case parties fail to agree.

Judgment on report of viewers.

Writ of error.

SECTION 6. That the council and water commissioners of the borough of Bethlehem, in council assembled, shall have full power and authority to pass, ordain and enact all laws and ordinances to enable them to convey the said water, in sufficient quantities, through the borough, and fix hydrants,

Ordinances regulating works, &c.

or fire plugs, wheresoever they may deem proper, and to fix and determine the uniform rate, or prices, or alter them at their pleasure, to be paid by the citizens, for the use of the said water, and generally to do all things requisite and necessary for carrying into full and perfect effect all the objects contemplated by this act.

Water rents,
application of.

SECTION 7. That the water rents accruing shall be applied entirely to the payment of the interest, principal and expenses of the debt contracted for the purchase of the Bethlehem Water Company's water works, and for the extension, and all necessary improvements required, until the whole is paid.

Enforcement of
ordinances.

SECTION 8. That it shall be the duty of the said commissioners to carry out, execute, or to have executed, the ordinances, by-laws, or plans, adopted by the council and themselves.

Tax authorized.

SECTION 9. That the said council and water commissioners shall have full power and authority to assess a tax upon all real estate, or in front of which their mains are laid, within the corporate limits of said borough, for the purpose of defraying the expenses of carrying on said water works, when purchased, as a protection tax, and for the benefit and advantage to be derived from the introduction of the said water, due discrimination being had between such real estate as may be improved, and such as is not improved, or in front of which their main is laid: *Provided*, The water rents are not sufficient to meet such expenses.

Proviso.

JAMES R. KELLEY,

Speaker of the House of Representatives.

DAVID FLEMING,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and sixty-six.

A. G. CURTIN.

No. 1036.

An Act

Confirming certain deeds, and assuring the title of W. J. Watkins, to a certain tract of land, situate in Deerfield township, Warren county.

WHEREAS, A. H. Ludlow, late of the county of Warren, and state of Pennsylvania, by deed, dated November nine, one thousand eight hundred and fifty-four, and recorded in the recorder's office of said county, in deed book O, pages five hundred and ninety and five hundred and ninety-one, conveyed