Pennsylvania. Laws, statutes, etc.

LAWS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA.

PASSED AT THE SESSION OF 1837-38.

IN THE

SIXTY-SECOND YEAR OF INDEPENDENCE.

PUBLISHED BY AUTHORITY.

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1838.

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No. 59.

An Act

Empowering the Burgess and Town Council of the borough of Erie, in the county of Erie, to borrow money, and to supply the said borough with water, and for other purposes.

Erie borough authorized to borrow $50,000.

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 the burgess and town council of the borough of Erie, in the county of Erie, be empowered on the credit of the said corporation, and for the use of the same, to borrow any amount of money, not exceeding at any one time the sum of fifty thousand dollars, from any bank, corporation, co-partnership, association, company, individual or individuals.

Erie borough to be supplied with water.

SECTION 2. That the burgess and town council of the borough of Erie, in the county of Erie, be, and they are hereby authorized and empowered to adopt and take all proper and necessary measures and make all necessary contracts for supplying said borough with a sufficient quantity of water for the extinguishment of fires therein, and for the use of the inhabitants thereof, from such stream or streams, spring or springs in the vicinity of said borough, as shall appear to them most expedient and to make and keep in repair all necessary reservoirs and make all necessary rules, regulations and ordinances, for the preservation and use of the same, allowing the inhabitants the use of said water on such terms and conditions as shall be most expedient and conclusive to the general good of said borough.

Authority to enter upon lands.

SECTION 3. It shall be lawful for said burgess and council their officers, engineers and agents to enter upon any lands necessary for the purpose of surveying and locating the route, for conducting said water to the proper point or points in said borough, and placing down the necessary pipes or conductors, and to thereafter repair, improve or enlarge the same, and to take and hold possession of so much land as shall be required for constructing reservoirs and keeping the same in repair.

SECTION 4. When said burgess and council cannot agree with the owner or owners of such required land for the

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Mode of estimating damages.

purchase thereof, or with persons claiming to have sustained damage by reason of any thing done under the authority of this act, or when, by reason of the legal incapacity of any such owner or owners or person damaged, no such purchase or agreement can be made, the court of Quarter Sessions of Erie county, shall, on the application of either party, take the same measures for ascertaining and enforcing payment of the value of such land or amount of damage done as is prescribed by the laws of the commonwealth in case of private roads: *Provided*, That no compensation or damage shall be allowed, unless the proper proceedings for ascertaining the amount thereof be instituted within one year after the land shall have been taken or damage done, saving to orphans and insane persons, one year after their disability shall be removed, to institute their proceedings for the purpose aforesaid.

Proviso.

In lots and out-lots of Erie, Waterford, Beaver, Franklin and Warren to be appraised by comiss'rs.

SECTION 5. That the county commissioners of the counties of Erie, Beaver, Venango and Warren, are hereby, respectively, constituted a board of appraisers, and are required, respectively, to appraise all the in-lots and out-lots in the towns of Erie, Waterford, Beaver, Franklin and Warren, on which any purchase money is due to the commonwealth, and make out a list of such lots as soon as conveniently may be, and return the same, properly certified under their hands and official seals, to the Secretary of the Land Office of Pennsylvania, on or before the first day of July next, placing opposite each in and out-lot the rate fixed to said lot, respectively, distinguishing in said list the in-lots from the out-lots.

To be valued rateably.

SECTION 6. All out-lots, valued by said commissioners at more than forty dollars per acre, shall be rated number one; all out-lots, valued at more than twenty and less than forty dollars per acre, shall be rated number two; all out-lots, valued at more than ten and less than twenty dollars per acre, shall be rated number three; and all out-lots, valued at less than ten dollars, or at ten dollars per acre, shall be rated number four; *Provided*, That in making such valuation the value of buildings shall not be included.

In-lots to be valued rateably.

SECTION 7. All in-lots, valued by said commissioners at more than one hundred dollars per lot, shall be rated number one; all valued at less than one hundred and more than seventy dollars per lot, shall be rated number two; all valued at more than forty and less than seventy dollars per lot, shall be rated number three; and all valued at forty or less than forty dollars per lot, shall be rated number four; and in making said valuation the buildings erected thereon shall in like manner be excluded.

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Relative to inst'ts. on the purchase money.

SECTION 8. All such in-lots and out-lots, rated number one, shall pay the original purchase money and full interest; all rated number two, shall pay the original purchase money and four and an half per cent. interest; all rated number three, shall pay the original purchase money and three per cent. interest, and all rated number four, shall pay no interest and patents shall issue for said lots, on paying as aforesaid, with the patenting fees as now required by law for town lots.

Commiss'rs to be sworn or affirmed.

SECTION 9. Before making the appraisement and valuation, as aforesaid, the said commissioners, shall be severally sworn or affirmed "that they will justly and impartially appraise the property aforesaid, at its bona fide cash value, and make a true return thereof to the land office by the rates aforesaid," and a majority of each board of commissioners shall view the property so to be appraised, unless they are otherwise well acquainted with the value thereof.

Secretary of the Land Office to furnish lists of the in or out-lots.

SECTION 10. On the requisition of the board of county commissioners of said respective counties, the Secretary of the Land Office is hereby required to furnish them with such lists of in and out-lots in said towns, as will enable the said commissioners to ascertain on which lots purchase money is due to the commonwealth, and as soon as the commissioners shall have made the appraisement as heretofore required in addition to the list directed to be furnished to the land office they shall file a similar list in the office of said county commissioners, for the inspection of such persons as shall desire to see and examine the same.

Continuance of the law &c.

SECTION 11. This law shall continue in force till the tenth day of April one thousand eight hundred and forty and no longer, and such laws of this commonwealth as are hereby altered or supplied, be, and the same are hereby repealed.

Claim of W. Lackey Esq. Sheriff of Perry Co. to be adjusted.

SECTION 12. That the commissioners of Perry county are hereby authorized to settle and adjust the claims of William Lackey, Esq., late sheriff of that county, upon such principles as they may deem just and equitable, for keeping and maintaining insolvent debtors in the jail of said county, and issue their warrants or checks on the county treasurer for any balance found due to him.

LEWIS DEWART,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and thirty-eight.

JOS. RITNER

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