

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. 213.

An Act

Authorizing the borough of Hollidaysburg to erect water works.

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,*

Board of water commissioners established.

That the burgess and town council of the borough of Hollidaysburg, and their successors, in office, and James Gardner, William Jack, James Condron, John L. Hemphill and Thaddeus Banks, be constituted a board of water commissioners, to continue until the purposes of this act are accomplished; that, should any vacancy occur amongst the five individuals named, the said town council shall have power to fill such vacancy, by election, at any meeting of the same, thereafter; that, after water works are erected and in operation, the duties of the above-named five individuals and their successors shall cease and determine; and the said works shall be managed and controlled by the said burgess and town council, as the property of the borough, and as may be required; that the said board of water commissioners, hereby constituted, be and are hereby vested with full power and authority to erect and construct, or to contract for the erection and construction of water works, for the said borough of Hollidaysburg, including buildings, engines, machinery, reservoirs, trenches, pipes, and all things necessary to the full and entire completion of the same, for practical operation, for introducing into the said borough a supply of pure and wholesome water, for the use of the inhabitants thereof; and all contracts, made in pursuance thereof, shall be in the name of the borough of Hollidaysburg, and, when in writing, shall be signed by the burgess, and attested by the clerk of the council, with the seal of the borough.

Vacancies, how filled.

Works, when erected, to be managed by burgess and town council.

Powers and privileges.

Contracts, how made.

Board of commissioners, and their employees, &c., may enter upon lands, and take and use necessary materials.

SECTION 2. That the said board of water commissioners and their successors in office, their contractors, their superintendents, engineers and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of burden, 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 to and from any reservoir, or reservoirs, and of introducing said water into and within the said borough, and to erect and construct any reservoir, or reservoirs, and to lay pipes for the conveying of water through said lands, from time to time, and at all times thereafter, and, if necessary, for the purpose of taking up, repairing and laying down 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 water works, or to the proper laying down of said pipes.

SECTION 3. That if the parties cannot agree upon the compensation to be made to the owner, or owners, of any such lands, enclosures, public, or private, roads, or highways, it shall and may be lawful for either party to present his, her, or their petition, to the court of common pleas 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 duly sworn, or affirmed, to view the lands and premises, and injuries complained of, and make report of the damages done, or value of said lands, to the next court of common pleas; 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, within four days after the return thereof, to the said court, and also the 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, in all cases, by the party against whom the report shall be made.

Damages, how assessed.
On petition, viewers to be appointed by the court.
Judgment to be entered on their report.
Exceptions thereto.
Writ of error.
Compensation of viewers.

SECTION 4. That for the purpose of defraying the cost of erecting and constructing said water works, the said board of water commissioners are hereby authorized and empowered to issue coupon bonds, in the name of the borough of Hollidaysburg, signed by the burgess and treasurer thereof, and having the seal of said corporation attached, to the amount of forty thousand dollars, with the privilege, as necessity may require, of increasing the same, from time to time, to sixty thousand dollars, and to negotiate the same; the said bonds shall be of denominations not exceeding one thousand dollars, and have such times for their maturity as the said corporate authorities may deem advisable, and shall bear interest, at the rate of six per cent. per annum, payable semi-annually, at such place, or places, as may be determined; and the said burgess and town council shall have power, and are hereby authorized and empowered, to impose and assess such tax, or taxes, from time to time, as may be necessary to pay the interest upon such loan, and to redeem the principal, at such time, and in such manner, as may be conformable to the terms upon which the same is taken; and that said taxes shall be collected as other taxes are now, by law, collected.

Commissioners may issue coupon bonds.
Amount thereof, and how attested.
Denominations and maturity of said bonds, relative to.
Special tax authorized.

SECTION 5. That the said burgess and town council shall have full power and authority to ordain and enact all laws and ordinances, to enable them to convey the said water through the borough, in all directions, and to such points outside of the borough, in the vicinity thereof, as may be desired, and to fix hydrants and fire plugs, wheresoever they may deem proper; and they shall, further, have power to furnish a supply of water to the borough of Gaysport, for the corporate use, and the use of the inhabitants thereof, in such manner, and upon such terms, as may be agreed upon, by and between the said corporations; and they shall have

Burgess and town council may pass ordinances relative to supply of water, &c., and determine rates and prices.

Proviso.

power to adjust and determine the rates and prices to be paid, by the citizens, for the use of the water: *Provided*, That the owners of the freehold, on, and upon, which said water is taken and used, shall, by themselves, their agents, or attorneys, in all cases, be the parties with whom such contract, for the use of the water, shall be made; and the said real estate shall be bound for, and liable for, the payment of the same, reserving the right to the council to contract with the lessees of tenants, should they see proper to do so; and the said burgess and town council shall, further, have the power to ordain and enact all needful by-laws, ordinances and regulations, and, generally, to do all things requisite and necessary for carrying into full and perfect effect all the objects contemplated in this act.

JAMES R. KELLEY,

Speaker of the House of Representatives.

DAVID FLEMING,

Speaker of the Senate.

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

A. G. CURTIN.

No. 214.

An Act

To enable the commissioners of the county of Jefferson to appropriate certain moneys to the erection of a new court house, in said 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 it shall and may be lawful for the commissioners of the county of Jefferson to appropriate the balance of the relief funds of said county, unexpended, towards defraying the expenses of building a new court house, in the borough of Brookville, in said county.

JAMES R. KELLEY,

Speaker of the House of Representatives.

DAVID FLEMING,

Speaker of the Senate.

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

A. G. CURTIN.