

L A W S

2411-2

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. 320.

An Act

To repeal an act, entitled "An Act for the further regulation of boroughs," approved the second day of June, Anno Domini one thousand eight hundred and seventy-one, so far as the same relates to the borough of Carlisle, Cumberland 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 the act of assembly, entitled "An Act for the further regulation of boroughs," approved the second day of June, Anno Domini one thousand eight hundred and seventy-one, be and the same is hereby repealed, so far as the same relates to the borough of Carlisle, Cumberland county.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

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

JNO. W. GEARY.

No. 321.

An Act

Authorizing the city of Oil City to provide water works and gas works, and to borrow money

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 for the purposes of introducing into the said city a sufficient supply of fresh and pure water, and of supplying said city with gas light, the corporate authorities of said city are hereby authorized to purchase and hold, in the name of said city, in fee simple, or for any less estate, any water power or water powers in, near or convenient to said city, or any lands, tenements or hereditaments, to which any water power or water powers may be appurtenant, or all such lands, tenements hereditaments and estate, real and personal, as shall be necessary to them in the erection and construction of water and

Corporate authorities may purchase water powers, &c.

gas works, and the same to hold and enjoy, with full power to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber, demise and dispose of the same at their will and pleasure; and also to take, occupy and enjoy any stream or streams of water in or near said city, that they may deem necessary to carry out the objects and purposes of this act, or any lands to which such stream or streams of water may be appurtenant, and all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the erection and construction of water and gas works, with full power to hold the same for the purposes above mentioned, they doing as little damage as possible, and making compensation to their owner or owners thereof, in the manner hereinafter provided for.

May take possession of streams, lands, &c.

SECTION 2. That the said corporate authorities of said city shall have full power and authority to provide, erect, construct and maintain all works and machinery necessary or proper for introducing into said city a supply of fresh and pure water, and for supplying said city with gas light, and to provide, erect construct and maintain all proper buildings, dams, conduits, trenches, pipes, drains, machinery, cisterns, furnaces, holders and reservoirs, and all things necessary or proper to the full and entire completion of the same; and for those purposes they are hereby authorized and empowered by themselves, their agents, artisans, engineers and workmen, with their tools, instruments, 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 such lands or enclosures, streets, lanes, alleys, roads or highways, as it may be necessary to hold, occupy or use, avoiding unnecessary injury or obstruction to said streets, lanes, alleys, roads or highways, and doing as little damage as possible to private property, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

Authorized to erect works.

May enter enclosures, streets, &c.

SECTION 3. That the said corporate authorities of the said city, their superintendents, engineers, workmen and laborers, with their tools, instruments, carts, wagons and other carriages and beasts of burden and draught, may enter into and upon lands contiguous to the dam or dams, works, cisterns, furnaces, holders and reservoirs, which they may erect or the route upon which they may lay their pipes, and from thence take and carry away any stone, earth, sand or gravel, or any other material necessary to the construction, maintenance or repair of said dam or dams, works, cisterns, furnaces, holders and reservoirs, or to the proper laying down, maintenance or repair of said pipes, doing as little damage as possible to private property, and making compensation to the owners thereof in the manner hereinafter provided for.

May enter upon lands contiguous to works and take materials.

SECTION 4. That in case the parties cannot agree upon the compensation to be made to the owner or owners of such water power, land or enclosures required for the use of said works, or for materials taken, damages sustained, or to be sustained in the construction, maintenance and use of said works, it shall and may be lawful for the parties to appoint, or in case the parties cannot agree, then, on application by

Proceedings in cases of disagreement as to damages.

the party complaining, the court of common pleas of Venango county shall appoint three disinterested and suitable persons to ascertain and report, on oath or affirmation to said court, what damages, if any, have or will be done by said corporation; which report having been returned and confirmed by said court, judgment shall be entered thereon, and execution may issue in case of non-payment of the sum awarded, with such reasonable costs as may be allowed by the court: *Provided*, That either party may appeal from such award to the court within twenty days after the same shall have been filed in the office of the prothonotary of the said county, whether the said report was made by persons agreed upon by the parties, or appointed by the court, upon which appeal such proceedings shall be had as in other cases of damages: *Provided further*, That it shall be lawful for the said corporate authorities of said city to enter at once into possession and use of such water powers, lands or enclosures, upon giving or tendering to the claimant or claimants their bond or bonds in such amount, and with such security, as may be approved by one of the judges of the court of common pleas of said county, conditioned for the payment of such sum as the said claimant or claimants shall be entitled to receive after assessment made as aforesaid.

May take immediate possession of lands, &c., upon tendering bonds to claimants.

May pass ordinances relative to conveyance of water and gas, fix hydrants, &c.

SECTION 5. That the said corporate authorities, in council assembled, shall have full power and authority to pass, enact and ordain all laws and ordinances necessary to enable them to convey the said water and gas through the city in all directions, and to fix hydrants, fire-plugs, stops, drips and street lamps wheresoever they may deem proper, and to fix and determine from time to time the rates of prices to be fixed by the citizens and others for the use of said water and gas, and to protect the said water and gas works, cisterns, reservoirs, dams, pipes, plugs, drips, street lamps and hydrants from damage, obstruction or destruction, and to prevent the opening of any water or gas main or pipe without authority from the proper officer, or the letting on of water when the same shall have been stopped by order of the authorities or proper officer for repairs, or any other cause or purpose, or the putting up of any hydrant or pipe, and introducing into it water or gas without authority as aforesaid, and provide for the enforcement of such ordinance or ordinances, by inflicting such fines, penalties and forfeitures upon those violating or offending them as they may deem proper, and generally to do all things requisite and necessary for carrying this act into full and perfect effect.

May borrow money and issue bonds.

SECTION 6. That the said corporate authorities are hereby authorized for the purpose of carrying into effect the provisions of this act, to borrow in the name and upon the faith, credit and responsibility of said city, such sum or sums of money not exceeding in the whole one hundred thousand dollars, as they may deem necessary for the said purposes, and to issue bonds or certificates of indebtedness in the name of the city of Oil City, under the corporate seal, attested by the signatures of the mayor and controller thereof, to the purchaser or purchasers of said loan, in such sums as the city authorities

may see proper, and bearing such rate of interest not exceeding ten per centum per annum as may be agreed upon; and also to borrow money as aforesaid, for the purpose of redeeming and paying off said loan, and shall have all power necessary for levying, assessing and collecting a tax upon all property, trades and professions in said city, for the purpose of redeeming and paying off the same: *Provided*, That such loan shall be exempt from county and municipal taxation.

May borrow money to redeem loan, and levy tax.

Loan exempt from local taxation.

SECTION 7. That all money received or realized from the sale of bonds issued in pursuance of the provisions of this act, and from all water rents, income or profit from the water and gas works, all taxes levied and collected for the purpose of paying off said bonds, and all receipts of money, levied and collected under the provisions of the eleventh section of this act, shall be kept apart from the other money belonging to the corporation, and shall be designated the water and gas fund, and shall be expended only in the construction, maintenance and repair of said works, the payment of the interest of said bonds, or in the redemption and payment of the said bonds.

Moneys realized from sale of bonds, water rents, &c., to be kept separate.

How to be expended.

SECTION 8. That the council of the said city of Oil City shall annually appropriate out of the water and gas fund, a fund sufficient to pay the interest accrued or to accrue during the year, upon all outstanding bonds, and a further sum of not less than three per cent. of all bonds which may have been issued in pursuance of this act, to be set apart as a sinking fund for the extinguishment of said indebtedness.

Council to appropriate money to pay interest on bonds, &c.

SECTION 9. That the controller of the said city, shall, in the month of November, in each year, give public notice for at least ten days by advertisement in the paper authorized to do the city printing, of the amount of money in the sinking fund herein provided, and that he will, on the first day of December following, pay such bonds issued under this act as may be presented in the order of their presentation; if the number of bonds presented should not be sufficient to exhaust the said fund, the balance may be estimated in the revenue for the next ensuing year, or invested in such manner as council may by ordinance direct.

Controller to give notice of money in sinking fund and time for redeeming bonds.

SECTION 10. That if any person wilfully or maliciously do, or cause to be done, any act or acts whatever, whereby any building, construction, reservoir, furnace holder, or works of the said corporation, or water therein, or water power, or matter or thing pertaining to the same, shall be destroyed, injured, contaminated, stopped or obstructed, the person or persons so offending shall be guilty of a misdemeanor, and may be therefor indicted in the court of quarter sessions in said county, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, to be paid into the water and gas fund of said city, or be imprisoned not exceeding one year or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of said corporation to a full compensation in damages by civil suit.

Penalty for injuring buildings, corrupting waters, &c.

SECTION 11. That the corporate authorities of said city shall have power to levy and collect from the owners of property bounding or abutting upon any street in, or through

Authorities may levy and collect sums from property owners.

How assessments to be collected.

Proviso.

Repeal.

which water pipes may be laid in pursuance of this act, such sum per lineal foot of water pipe so laid, as shall be fixed by council by ordinance, and all further and extra charge and for street intersections, shall be paid out of the water and gas fund; and the said assessments shall be collected in all respects as assessments for the grading of streets in said city, and there shall be the same lien and remedy for the enforcement of the payment thereof: *Provided*, That the assessment levied and collected under the provisions of this section, shall in no case exceed the sum of one dollar per foot of frontage of property abutting upon such street.

SECTION 12. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed and revoked.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

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

JNO. W. GEARY.

No. 322.

A Supplement

To an act, entitled "An Act to incorporate the Tionesta Bridge Company," approved the seventeenth day of March, Anno Domini one thousand eight hundred and seventy, to change the place, corporators, and extend time.

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 John A. Deal, George S. Hunter, W. F. Hunter, J. G. Dale, D. S. Knox, M. W. Tate and H. H. May are hereby appointed commissioners, and a majority of whom are hereby authorized to open books, receive subscriptions, and organize said company, to change the place for building said bridge, from Walnut street, to a point at or near the upper ferry posts; and it is further enacted, that the time for carrying out the provisions of said act be extended for one year; and all parts of said act inconsistent with the provisions of this supplement are hereby repealed.

WILLIAM ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

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

JNO. W. GEARY.