REPORT
OF THE
WATER COMMISSION,
OF THE
CITY OF PITTSBURGH,
FOR THE YEAR
1872.

PHILADELPHIA:
M'CALLA & STAVELY, PRINTERS, 237-9 DOCK STREET.
1872.
Report of Water Commission
1872.

To the Honorable, the Select and Common Councils
of the City of Pittsburgh:

Gentlemen: We herewith submit a brief summary of our operations during the past year. After receiving notification of our election, we, on the 17th day of November, 1871, met and effected an organization, by electing D. W. C. Carroll, Chairman, and appointing Hill Burgwin, Secretary, pro tem. Our next business was the selecting of subordinate officers, and on the 14th day of December, 1871, Wm. H. Kennedy was elected Chief Engineer, and Jos. L. Lowry, Mechanical Engineer of the Commission. Mr. Kennedy was directed to act as Secretary until such time as a permanent Secretary might be chosen, and on the 12th of April, 1872, John Ross was chosen Secretary, which completed the organization of the Board.

After the examination of the various sites proposed for the new water-works by the Board of Examiners, consisting of Messrs. J. K. Moorhead, Felician Slataper, and George A. Berry, Board of Water Commissioners, E. S. Chestorborough, Chief Engineer, and Joseph French, Superintendent of Water Works, it was decided by the Commission that, inasmuch as the City was about beginning the construction of works of very great magnitude, involving an outlay of a very large amount of money, it would be prudent for them, before
taking any forward steps, to visit some of the prominent
cities of the country, and examine into their respective
systems of water supply.

We accordingly, on the 17th day of February, 1872, left
Pittsburgh, and visited Philadelphia, New York, Brooklyn,
Jersey City, Boston, and Baltimore, and subsequently a sub-
committee visited Cincinnati, Covington, Louisville, St.
Louis, and Chicago. At every point visited we were treated
with the greatest kindness and courtesy by the officers and
employees of the Water Departments, and were afforded by
them ample opportunities for examining into all the various
details of the different works, and we take this occasion for
returning to them our sincere thanks.

One fact with which we were all very much impressed
was the demand in nearly all the large cities for increased
supplies of water, and this, too, in some instances where the
works were of very recent date, and were supposed, at the
time of their construction, to be ample in capacity for
many years to come. We, in this city, are fortunately not
in the position of some of the larger Eastern cities, where,
to secure a supply of water in the dry season, large storage
reservoirs have to be constructed in order to husband the
rainfall of the wet season, our sources of supply being
inexhaustible in even the dryest periods. We thought it
best, however, to increase the storage capacity of the Hiiland
Avenue and Brilliant Hill Reservoirs to their greatest possible
limits, consistent with economy.

Our Chief Engineer was directed to prepare accurate plans
of various parcels of land required for the pumping-works
and the several reservoirs.

Negotiations were at once entered into with B. W.
Morgan for the purchase of about two acres of land on the
Allegheny River bank, immediately above the mouth of
Negley's Run, the property deemed best suited and requisite
for the engine-buildings and pumping-works; with Caspar
Negley for forty-five acres on Hiiland Avenue, in the 19th
Ward; with Aaron Reymer for seven acres adjoining the
Negley property; with James McCully for fifty-four acres,
and with Lockhart & Frew for two acres; the lands required
for the Brilliant Hill and Hiiland Avenue Reservoirs; and
with the late Mrs. Clarissa Herron for twelve acres, and with
William A. Herron for two acres on Herron's Hill, 13th
Ward, the land required for the Herron Hill Reservoir.

After several interviews with the various proprietors of
these lands, it was decided to recommend your Honorables
to accept the offer of B. W. Morgan to convey to the
City, for the sum of twenty thousand dollars, the piece of
land containing two acres and twenty-four 2/100 perches, and
having a front on the Allegheny River of four hundred and
seventy-two feet, together with the right of way over an
adjoining piece of property leased by him from the heirs of
Samuel Jones, deceased; which proposition we were author-
ized to accept by resolution passed January 29th, 1872. It
was further decided to advise the acceptance of propositions
from Casper Negley and Aaron Reymer, to convey to the
City portions of their lands at the rate of three thousand
dollars per acre; and after your acceptance of the same, by
resolutions passed January 29th, 1872, the City Solicitor was
requested to have the necessary deeds prepared. Deeds were
subsequently accepted from B. W. Morgan and wife for two
acres and twenty-four 2/100 perches, and from Aaron Reymer
and wife for seven 2/100 acres. Before the execution of
the conveyance by Casper Negley, the City Solicitor was
notified by Charles B. Seely that he claimed, by virtue of
an article of agreement made by Casper Negley with him
(a copy of which was furnished), a portion of the land offered
to the City by said Negley, amounting to five 2/100 acres.
This piece of land so claimed was inferior in value to the
rest of the property proposed to be conveyed by Mr. Negley,
and the price of three thousand dollars per acre had, owing
to this fact, been fixed by him. At the time of making us
the proposition, he stated, that if we would include in our
purchased the rough and hilly portion of the land with the level table-land, his price would be three thousand dollars per acre; but if only the level land should be taken, the price would be four thousand dollars per acre. Mr. Negley denied Mr. Seely's claim, but, under the circumstances, was unable to give a clear title, and it was decided to accept a deed from him for only as much of the land as was undisputed, viz., thirty-four and one-half acres, and further, to leave the undisputed portion until such time as the proper tribunal should decide the question of ownership. It was agreed, however, with Casper Negley, by articles of agreement dated the 10th day of April, 1872 (in accordance with resolutions of Councils passed the 8th day of April, 1872), that in the event of the title being decided to vest in said Negley, he should be bound to convey, and the City to accept the land at the price originally agreed upon, to wit: three thousand dollars per acre. Accordingly a deed was accepted from him for two separate tracts containing respectively thirteen and twenty and one-half acres, making in all thirty-four and one-half acres, as stated above.

We were unable to agree with any of the other proprietors for the purchase of their lands at prices which were considered reasonable, and permission was asked of Councils to have viewers appointed under the provisions of the act of Assembly, approved the 15th day of March, 1871. By resolution of Councils, passed March 11th, 1872, we were directed to apply to court for the appointment of viewers to appraise the value of, and condemn the land required. It was also decided, in order the more quickly to acquire title and possession, to have the piece of land in dispute between Casper Negley and C. B. Seely condemned by the viewers. Accordingly, on the day of, 1872, at No. March sessions, 1872, Messrs. Theodore H. Nevin, Joseph Ovode, and John McKelvey were appointed a board of viewers for this purpose. After being duly qualified according to law, they examined the various parcels of land, and after several meetings had been held, and the examination of a large number of witnesses taken place, both on behalf of the City and proprietors, the viewers, on the 19th day of April, returned the value of the different properties as follows, to wit:

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Acres</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>James McCully's property</td>
<td>34.50</td>
<td>$875,000.00</td>
</tr>
<tr>
<td>Nineteen and one-half acres</td>
<td>19.50</td>
<td>$450,000.00</td>
</tr>
<tr>
<td>Improvements</td>
<td></td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$937,000.00</td>
</tr>
<tr>
<td>Mrs. Clarissa Herron's property, amounting to ten and one-half acres, valued at</td>
<td></td>
<td>$70,000.00</td>
</tr>
<tr>
<td>Wm. A. Herron's property, amounting to two and one-half acres, valued at</td>
<td></td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Improvements</td>
<td></td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$98,000.00</td>
</tr>
<tr>
<td>Charles B. Seely's property, amounting to five and one-half acres, valued at $4,000 per acre</td>
<td></td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Two acres (roadway), valued at $4,000 per acre</td>
<td></td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Messrs. Lockhart &amp; Frew's property, amounting to four and one-half acres, valued at $1,000 per acre</td>
<td></td>
<td>$4,250.00</td>
</tr>
</tbody>
</table>

It was necessary, according to the act of Assembly, for either party objecting to the award, to file exceptions within ten days from the date of the same. Therefore, on the 22d day of April, 1872, the return was submitted to Councils, asking for instructions as to whether we should abide by and accept any or all of said valuations, or should file objections thereto in court.

In reply, the following resolution was adopted:

"Resolved, that the City Solicitor be, and he is hereby instructed to file exceptions to the award of viewers in the matter of taking of lands for water extension purposes, in such cases as in the judgment of the Water Commissioners may be proper and expedient."

Exceptions were filed by the City Solicitor, under our instructions, in the cases of Mrs. Clarissa Herron and Wm. A. Herron, James McCully, Charles B. Seely, and Lockhart &
The piece of land (or roadway) condemned as the property of Charles B. Seely, containing 0 acres, is still in dispute.

After the condemnation of the same, it was found on the examination of Mr. Seely's title, that instead of having, as he supposed, a title in fee simple to the land, he had merely a right of way over it in common with Casper Negley, from whom he purchased, hence neither of the parties could make a valid title; and so, far, there have been no arrangements made for them to make a transfer jointly.

Our Chief Engineer having made the necessary surveys and plans, proposals were invited for the construction of the Hiland Avenue and Brilliant Hill Reservoirs, and on the 19th day of July, the contracts for both reservoirs were awarded to C. Howard & Son, they being the lowest bidders, at the estimated aggregate cost for both reservoirs of five hundred and twenty-five thousand dollars ($525,000.00).

On the 22d day of July ground was first broken on the Hiland Avenue Reservoir. The work was prosecuted on both it and the Brilliant Hill Reservoir until the beginning of November, when the disease which prevailed among the horses throughout the whole City, compelled the entire cessation of the work, and after its abatement the weather had become so cold that it was considered advisable to continue any further operations. Accordingly all work on the embankments was suspended for the season. A large force of men is now, and will be during the entire winter, employed by the contractors in their quarries, preparing stones for the paving and masonry of various classes. Notwithstanding the disadvantages which the contractors have been subjected to, it is confidently hoped that at least one compartment of each reservoir will be entirely finished, and ready to receive water before the 1st day of December, 1873.

After examining the various pumping engines of the different water works visited by us, in several of the larger cities of the country, it was decided to adopt the Graduating Plunger-Pumping Engines, designed by Mr. Lowry, our
Mechanical Engineer, and after he had carefully prepared the specifications and plans in detail, for one pair of these engines and pumps, of a capacity sufficient to raise twenty million gallons each in twenty-four hours, proposals were, on the 6th day of August, invited for the construction and erection of the same. On the 22nd day of August, the contract was awarded to A. Hartuphee, of this City, he being the lowest bidder, for the sum of four hundred and twenty-three thousand five hundred and fifty dollars ($423,550).

This sum covers the entire cost of constructing and erecting the engines on the foundations to be prepared for them, and their satisfactory performance guaranteed for one year. The contractors commenced work in the month of September; the work has been and is being vigorously prosecuted, with every prospect of completion in the time required.

On the 26th day of November proposals were invited for the construction of the Herron's Hill or High-service Reservoirs, and on the 11th day of December the contract was awarded to Messrs. Wry & McElhenny, of this City, they being the lowest bidders, at the estimated aggregate cost of seventy thousand dollars ($70,000.00). According to the terms of the contract, the work is to be commenced on the 15th day of April, 1873, and completed on or before the 1st of July, 1874. The interval between the time when the contract was awarded and that fixed for the commencement of the work, is for the purpose of affording the contractors time to perfect their arrangements to begin operations. A great deal of work has to be done in this case before the excavations can be commenced. A steam-engine, pump, tanks, etc., must be erected by the contractor in order to furnish a supply of water on the site of the reservoir, to be used in making the embankments.

On the 26th day of November proposals were invited for eleven thousand and fifty-eight tons of cast-iron water-pipe, and three hundred tons of special casting; to be delivered on the streets where required to be laid. This contract en-

braces the thirty-six inch pipe necessary for Butler street, Penn street, and Liberty street, from the Brilliant Hill Reservoir to Twelfth street, a distance of about six miles; also the thirty inch pipe necessary for Hilland Avenue, from the reservoir to Hilland Avenue, a distance of nearly seven thousand feet; also the twenty inch pipe necessary for Centre Avenue from Hilland Avenue to Neville street, a distance of nearly ten thousand feet; also five miles each of six and eight inch pipe, to be used during the ensuing year, for such extensions as may be ordered by Councils. The laying of these larger pipes will bring the new water works in connection with the system of distribution now in use.

The time for receiving proposals for these pipes was limited to the 12th day of December, but on the 11th day of December, owing to the high price of iron, it was extended until the 31st of December, hoping that ere that time the price of iron would have declined.

One very necessary step, to which we desire to call your attention, will be to secure the early passage of an act of the Legislature authorizing the partial grading and laying of pipes upon streets laid out by authority of Councils, but which are not opened. The passage of such an act is of vital importance, as without it, the lower portion of the City cannot be supplied from the new reservoir on Brilliant Hill, until Butler street is opened from Hilland Avenue to McMahon's oil works, a distance of nearly one and a half miles. As the opening of this portion of Butler street may be delayed for an indefinite period, unless a majority of the property holders petition to that effect, and it is highly improbable they will for some time to come, the necessity for early action in this matter will be readily seen. Other cases of a similar character to this of Butler street may also occur as to other streets in the City, which although not of such great importance to the whole community, might still subject individuals to much inconvenience.

This act might, and it appears reasonable that it should,
be drawn so as to authorize the repayment to this Department of any money spent in necessary grading, at such future time as the streets are ordered to be opened and graded by the proper authority.

There has been laid under our direction, and upon petitions referred by Councils to us, two thousand four hundred and thirty-three feet (2,438) of four inch pipe; fourteen thousand one hundred and eighty feet (14,180) of six inch pipe; one thousand six hundred and thirty-two feet (1,632) of eight inch pipe; three thousand one hundred and sixty-two feet (3,162) of twelve inch pipe, and three hundred and eighty-eight feet (388) of fifteen inch pipe, and with the necessary branches, connections, stop-gates, and fire-plugs.

The following is a statement of all stoneways received and for what purposes expended.

| To balance in appropriation No. 24 (Water Extension Fund) | $47,539 60 |
| To bonds sold by the Water Committee after the organization of this board | 169,800 00 |
| Total | 219,339 60 |

By amount paid for permanent improvements on water works
By salary of W. H. Kennedy, Chief Engineer | $3,666 61 |
By salary of Joseph L. Lawry, Mechanical Engineer | $3,666 61 |
By salary of John Ross, Secretary | $1,833 28 |
By amount paid for real estate, as follows: 2,163 acres purchased from H. W. Morgan | $20,000 00 |
By 34.933 acres purchased from Aaron Regnier | $21,200 00 |
By 10.820 acres purchased from Casper Negley | $10,500 00 |
By 48.021 acres purchased from James McCully | $17,309 00 |
By 36.000 acres purchased from W. M. A. Herron | $10,300 00 |
By 4,971 acres purchased from Casper Negley, the property claimed by C. H. Seely | $13,713 00 |
By 1,326 acres, property condemned as belonging to Lockhart & Yee, and this amount paid into court | $1,205 00 |
Interest on the above amount, also paid into court | $111 82 |
Interest on purchase money for Mrs. Herron's property | $925 83 |
Interest on purchase money for Casper Negley's property (C. H. Seely's claim) | $600 32 |
By amount paid for insurance on building and property purchased from W. M. A. Herron | $60 00 |
By amount paid for building crowd | $22 00 |
By amount paid to Wm. Robb, for building crowd | $2,100 00 |
By amount paid for attorneys' fees | $704 82 |
By amount paid for Board of viewers | $150 00 |
By amount paid for Engineer's assistants | $7,010 18 |

As will be seen by reference to the foregoing statement, the total amount of money expended by this Commission, including the cost of real estate, has been six hundred and thirty-nine thousand two hundred and twenty-nine dollars and eighty-eight cents ($392,292.88), which would leave a balance, out of the one million dollars of bonds sold by us, of three hundred and sixty thousand seven hundred and seventy dollars and twelve cents ($360,770.12). There was a balance to the credit of the Water Extension Fund of two hundred and seventeen thousand, three hundred and thirty-eight dollars and sixty-six cents ($217,338.66) of the bonds sold by the Water Committee before any bonds were negotiated by us. The Water Committee have, without the authority of this Commission, drawn from the Water Extension Fund the sum of ninety-seven thousand four hundred and fifty dollars and five cents ($97,450.05). We also call your attention to the fact that about thirty-eight thousand
dollars ($38,000) of the Water Extension Fund was used last spring, as we are informed, for the purpose of paying interest on the Water Extension Bonds. We do not mention these facts for the purpose of making complaint, but simply that you may be officially informed of it. Having a large amount of work under contract, and the building of an engine-house and pumping-works, laying of pipes, etc., yet to be contracted for, and being desirous of prosecuting the works to an early completion, it will be necessary for Councils to provide us with at least two million five hundred thousand dollars ($2,500,000) in order to complete the work.

Respectfully submitted,

D. W. C. CARROLL,
P. H. LAUFMAN,
HILL BURGWIN,
R. WATSON,
S. BEYMER,

Pittsburgh, December 31st, 1872.
A FURTHER SUPPLEMENT

To the Act Incorporating the City of Pittsburgh, &c.

Act of April 6th, 1867. City Code, p. 234, Sec. 10.

Section 10. The corporation shall have power to provide for a supply of water by the construction and regulation of wells, pumps, cisterns, reservoirs, or water works; to prevent and punish injuries to the works, and the waste or pollution of the water; and for the purpose of establishing a water works, or for supplying the same with pure water, the corporation may go beyond its territorial limits; and its jurisdiction to prevent or punish any injury to the water works, or pollution to the stream or source of water, shall extend five miles beyond its corporate limits.

AN ACT

To authorize the City of Pittsburgh to borrow money.


Sec. 1. Be it enacted, &c., That the City of Pittsburgh be and is hereby authorized to borrow a sum of money not exceeding ten hundred thousand dollars, to be used for the purpose of improving and extending the water works of said City, and for no other purpose whatever; to be borrowed at such times and in such amounts as the Councils or said City may by ordinance direct.
Sec. 2. That the City of Pittsburgh shall be and is hereby authorized and empowered to issue coupon bonds for the payment of any sums of money which may be borrowed in pursuance of this act, in sums not less than one hundred dollars, bearing interest at a rate not more than seven per cent. per annum, to be executed in such form and in such manner and payable at such times as councils may by ordinance direct: Provided, however, That none of said bonds shall be sold for less than the par value thereof, and no contract for work or material for the extension of the water works shall be made payable in bonds; but all such contracts shall be upon terms of payment in cash. And provided further, That all bonds issued in pursuance of this act shall be exempt from taxation for City, County, or State purposes.

Sec. 3. That the loan authorized by this act shall be known as the "Water Extension Loan," and all bonds issued in pursuance hereof shall be kept separate and apart from all other indebtedness of said City.

Sec. 4. That the Councils of the City of Pittsburgh shall annually, at the time other appropriations are made, appropriate out of the revenue from water rents, a sum sufficient to pay the interest accrued or to accrue during the year upon all outstanding bonds, and a further sum of not less than two 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.

AN ACT
To provide for the Extension of the Water Works of the City of Pittsburgh.


Sec. 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 City of Pittsburgh shall be and hereby is authorized to purchase or otherwise procure any and all lands situate in the County of Allegheny, which may be necessary for the construction of basins, buildings, machinery, and for laying water pipes, for the purpose of procuring a full and ample supply of water to accommodate the present and anticipated growth and extension of said City and neighborhood.

Sec. 2. Whenever the Councils of said City shall desire to obtain any real estate, for the purpose of erecting thereon basins, reservoirs, engine houses, workshops, or any other buildings necessary for the proper or convenient use of the water works, or shall desire to lay pipes in, throughout or over any lands, and are unable to agree with the owner or owners thereof, as to the compensation to be paid therefor, or by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, it shall and may be lawful for the Court of Quarter Sessions of Allegheny County, upon application on behalf of said city, to appoint three disinterested freeholders of said county, none of whom shall be a resident or an owner of property in said City, un-
may order an issue, in such form as may be directed by said Court, and try the same before said Court and a jury, and after final judgment either party may have a writ of error from the Supreme Court, as in other like cases.

Sec. 5. When the report of viewers shall have been made and returned to Court, as aforesaid, said City may tender, amount of appraised value of said lands, or the compensation, as determined by said report, to the owner or owners, his, her, or their agent or representative, or may pay the same into Court, or deposit the same in any bank, under order of said Court, and may thereupon take possession of and use and occupy the grounds as indicated and described in the Application.

Sec. 6. When final judgment shall have been given in any case, and the appraised value of said grounds or compensation thereby determined, shall have been paid or tendered to the owner or owners, his, her, or their agent or representative, or paid into Court, the grounds appraised shall become vested in the City of Pittsburgh, in fee simple, free from incumbrances, except such as may be taken for the purpose of laying pipes, which shall be subject to the right and power of the city to lay pipes, and to maintain and keep the same in good repair, and to renew the same when necessary, and to enter into and upon the premises at all times for such purposes.

Sec. 7. When any property shall be acquired by said City in fee simple, under the proceedings herein provided, the appraised value thereof, or so much as may be necessary for the purpose, shall be paid into Court; and said Court shall
make such order for the payment of the same, as shall secure the lien of the incumbrances upon the fund, according to the priority of the same.

Sec. 8. Said City of Pittsburgh shall have authority to make and enter into a contract or contracts with any City or borough in the neighborhood thereof, for supplying water to the inhabitants of said City or borough, upon such terms as may be mutually agreed upon; and in case any contract shall be made in pursuance of this section, all the laws and ordinances of said City for the levying and collection of water rents, and preservation of the water works, shall, as far as applicable, extend to and be enforced in said City or borough, unless by the terms of said contract, the collection of rents and preservation of said works is committed to the City or borough so supplied with water.

Sec. 9. Said City of Pittsburgh shall be and is hereby authorized to borrow money and issue bonds, as provided by an Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to authorize the City of Pittsburgh to borrow money," approved the twenty-eighth day of February, Anno Domini one thousand eight hundred and sixty-eight, and in addition to the amount therein authorized, not exceeding one million dollars. Provided, That no bonds shall be issued under the provisions of this Act until said City shall have provided for the erection of new water works.

Sec. 10. Said City shall be authorized to sell any of the lands, buildings, or machinery now owned by said City, which may be rendered useless by the erection of new water works.

JAMES H. WEBB,
Speaker of the House of Representatives.

WILLIAM A. WALLACE,
Speaker of the Senate.

Approved, the Fifteenth day of March, Anno Domini one thousand eight hundred and seventy-one.

JOHN W. GEARY.

A SUPPLEMENT

To an Act to provide for the Extension of the Water Works of the City of Pittsburgh, approved March 15th, 1871, authorizing the City of Pittsburgh to issue Bonds and borrow Money.

Sec. 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 City of Pittsburgh, for the purpose of constructing basins, buildings, and machinery, and for laying water-pipes to furnish a full and ample supply of water to accommodate the present and future growth and extension of said City and neighborhood, shall be, and is hereby authorized to borrow money and issue bonds as provided by an Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to authorize the City of Pittsburgh to borrow money," approved February 28th, 1868, in addition to the amount heretofore authorized, and upon like terms and conditions, not exceeding two million five hundred thousand dollars.
SEC. 2. That whenever it may be necessary, from time to time, the Councils of the City of Pittsburgh shall levy and assess a tax on all property, trades, and occupations in said City, now by law taxable for State, County, and City purposes, to be denominated a Water Works Interest and Sinking Fund Tax, for the express and exclusive purpose of providing the means for paying the interest and establishing the Sinking Fund required for the extinguishment of the bonds issued by virtue of this act. Said tax shall be entered on the Tax Duplicates of said City in a separate column, headed Water Works Interest and Sinking Fund, and shall be collected at such time or times as the Councils of said City shall provide, and all laws now in force relating to the collection and lien of taxes in said City of Pittsburgh, not inconsistent herewith, shall be applicable to the taxes levied under this act. The taxes, when collected, shall be kept by the Controller of the said City, separate and apart from all other funds of said City, and denominated the Water Works Interest and Sinking Fund, and shall be appropriated to the purposes herein set forth, and no other, and shall be drawn from the Treasury in the same manner as other moneys are drawn therefrom: Provided, That nothing herein contained shall be construed to in anywise affect the provisions of the fourth section of the said act of February 28th, 1868.

SEC. 3. The bonds issued in pursuance of this act shall be a legal investment for all moneys held by any person or corporation in a fiduciary capacity.

SEC. 4. The said City shall have the power, in issuing the bonds authorized by this act, by resolution of the Councils thereof, to make the same either registered or coupon bonds, and the coupon bonds so issued, and all other coupon bonds hereafter issued for the extension and improvement of the Water Works, shall be exchangeable for registered bonds of like amount, upon presentation by the holder to the City Controller; and the Councils of said City are hereby author-

ized to make the interest on said bonds payable in the City of Philadelphia.

W. ELLIOTT,
Speaker of the House of Representatives.

GEO. H. ANDERSON,
Speaker of the Senate.

Approved the 19th day of March, Anno Domini one thousand eight hundred and seventy-three.

J. F. HARTRANFT.

AN ORDNANCE

To provide for the Erection of New Water Works.

SEC. 1. Be it ordained and enacted by the City of Pittsburgh, in Select and Common Councils, and it is hereby enacted by authority of the same, That the erection and construction of the new Water Works of the City of Pittsburgh shall be in charge of a Commission, to consist of five citizens and freeholders of the said City, to be appointed as follows: The Councils of said City shall meet in joint session at such time after the passage of this ordinance as Councils may by resolution direct, and elect said Commissioners—one to serve for the term of one year; one to serve for the term of two years; one for the term of three years; and two (one a member of Select and the other of Common Councils) to serve until the next annual election of City officers. Said Councils shall annually thereafter, upon the day of the first regular meeting of Council, in October, meet in joint session to elect one citizen and freeholder of said City to serve for the period of three years, in place of the Commissioner whose term shall have then expired; and at the next, annual election of City officers, and annually thereafter, they shall elect one member of Select and one of the Common Council, to serve for the period of one year.
It any vacancy should occur in said Commission by death, resignation, removal from office, or removal from the City, said Councils shall, as soon as practicable, meet in joint session, and elect a suitable person to supply the vacancy, who shall hold the office for the unexpired term of the person whose place he may be selected to fill.

Sec. 2. Said Commissioners shall hold said office for the time for which they may have been respectively elected, and until their successors shall have been duly elected and qualified, unless sooner removed by a two-thirds vote of the members of Councils present in joint session, at a meeting called for that purpose, and shall perform the duties herein prescribed without compensation.

Sec. 3. Said Commissioners shall, as soon as practicable after their election, meet; and having been first duly sworn to faithfully and honestly discharge the duties of their appointment, shall organize, by the election of one of their number as President, and shall, as soon as possible after their organization, examine the work to be done, and report to Councils the number and character of the officers and assistants required for the proper prosecution of the work, and the amount of salaries to be paid to each; and upon approval of said report by Councils, said Commissioners shall be authorized to employ such officers and assistants, at salaries not exceeding the amounts specified by Councils, and no other officers or assistants shall be employed by said Commissioners, unless the consent of Councils shall be given thereto.

Sec. 4. All officers and assistants employed by said Commissioners shall give bonds with security to be approved by said Commissioners in such amounts as said Commissioners may determine, and shall be sworn to faithfully and honestly discharge the duties of their appointment. They shall be subject to removal by said Commissioners, who shall be authorized, to make rules and regulations as to the duties and government of all persons so employed by them.

Sec. 4. Said Commissioners shall have charge and supervision of the erection and construction of the Water Works, in accordance with the general plan adopted by Councils on the 10th day of July, A.D. 1871, subject to such modifications as Councils may hereafter direct.

Sec. 5. Said Commissioners shall be authorized to select sites for water-works, engine-houses, basins, reservoirs, conduits, and pipes, and to negotiate with the owners of any of said property for the purchase or use of the same, subject to the approval of Council. Whenever said Commissioners shall make a contract for the purchase or use of any land for the purposes of said Water Works, they shall report the same to Councils, and if approved by them, said Commissioners shall perform the same in the name and on behalf of the City of Pittsburgh.

Sec. 6. If, in any case, said Commissioners shall be unable to agree with the owner of any property which they may desire to purchase or use for said Water Works, they shall report to Councils a description of the property which they desire to take, and the purpose for which the same is to be used, whereupon the Councils may, if they deem proper, order the same to be taken and condemned, under the provisions of an act to provide for the Extension of the Water Works of the City of Pittsburgh," approved the 15th day of March, A.D. 1871.

Sec. 7. Said Commissioners shall cause to be prepared detailed plans for the erection and construction of buildings, basins, reservoirs, conduits, machinery, and all other things necessary for the complete construction and operation of said Water Works in accordance with the general plan aforesaid, and make and enter into contracts for the work and materials therefor, including all pipes to be laid in extension of the present works, or in lieu of pipes rendered unnecessary by the extension in accordance with said plan, but not including repairs to the works as they now exist. Provided, That all contracts shall be made with the lowest and best bidder, upon sealed proposals in writing, after advertisement in the papers.
authorized to do the City printing, and in such other papers as
said Commissioners shall think advisable, for at least ten days
before the time fixed for receiving the same, and no contract
for work or materials shall be upon terms of payment in cash.
Sec. 8. No Commissioner, officer, assistant or employee
shall be directly or indirectly interested in any contract for
lands, work, or materials for said Water Works. And in all
contracts it shall be expressly stipulated that if any of the
said parties shall be so interested, the same shall be null and
void, and that no suit or suits shall be maintained against the
City of Pittsburgh for, or on account of, anything which may
be done under or in pursuance thereof, and that if any money
shall be paid by said City on account thereof, the same may
be recovered from the party receiving the same, in an action
or actions in the name of said City.

Sec. 9. All contracts shall be made in the name of the
City of Pittsburgh, and shall be signed by said Commissioners,
or a majority of them, on behalf of the City, and when
necessary, the Mayor of the City shall attach the corporate
seal of the City thereto.

Sec. 10. It shall be the duty of the Controller to issue
bonds authorized by the Act of Assembly, entitled "An Act
to authorize the City of Pittsburgh to borrow money," ap-
proved February 28, 1868, and the Act approved March 5,
1871, above recited, from time to time, as may be required
by said Commissioners. Said bonds shall be signed by the
Mayor, countersigned by the Controller, and sealed by the
Mayor with the corporate seal of the City. They shall bear
date the second day of October, 1871, and shall be payable
in twenty-five years from said date, and bear interest at
the rate of seven per centum per annum, payable semi-annually.

Sec. 11. Said bonds shall be sold under the direction of
said Commissioners, who shall report all sales so made to
the Controller, within ten days after the same have been
made, and within the same time pay to the City Treasurer
all moneys received on account thereof, who shall enter and
account for the same as part of the Water Extension Fund.

Sec. 12. The Controller shall take receipts from said Com-
missoners for all bonds delivered to them for sale, and shall
keep accurate accounts of all bonds issued and of all moneys
which may be received or paid on account thereof, and shall
cancel and file all bonds and coupons which may at any time
be paid by the City Treasurer.

Sec. 13. Said Commissioners shall certify to the Controller,
in writing, all claims approved and allowed by them, who
shall certify warrants for the amount thereof, payable from
the Water Extension Fund, if there is at the time sufficient
money in said fund undispensed of, which warrant, when
signed by the Mayor, shall be paid by the City Treasurer
from the money in said fund: Provided, That the Controller
shall not certify a warrant in payment of any claim, unless
the same is accompanied by an affidavit of said claimant
that the amount thereof is justly due, and that no Commiss-
ioners, officers, or other employees are directly or indirectly
interested therein.

Sec. 14. Said Commissioners shall keep or cause to be kept,
full and perfect minutes of all their proceedings, and all other
books and accounts necessary to a full understanding of the
business transacted by them, which shall at all times during
business hours be kept open for the inspection of the City
Controller, Finance Committee of Councils, and any other
committee duly appointed by Councils for that purpose, and
they shall, at the first regular meeting of Councils in Decem-
ber next, and quarterly thereafter, make to Councils a de-
tailed report of all their proceedings, including an account
of bonds sold, moneys received and expended, and contracts
entered into, and all other matters necessary for a full under-
standing of the business transacted by them.

Sec. 15. The acts of a majority of said Commissioners shall
avail as the acts of all.
AN ORDINANCE

To Amend the Second Section of an Ordinance entitled "An Ordinance to provide for the Erection of New Water Works."

SEC. 1. Be it ordained and enacted by the City of Pittsburgh, in Select and Common Councils assembled, and it is hereby ordained and enacted by the authority of the same, That the second section of an ordinance entitled "An Ordinance to provide for the Erection of New Water Works," passed on the 30th day of October, A. D. 1871, shall be and is hereby amended to read as follows: Said Commissioners shall, as soon as practicable after their election, meet, and having been first duly sworn to faithfully and honestly discharge the duties of their appointment, shall organize by the election of one of their number as President, and shall as soon as possible after their organization examine the work to be done, and report to Councils the number and character of the principal officers required for the proper prosecution of the work, and the amount of salaries to be paid to each; and upon the approval of said report by Councils, said Commissioners shall be authorized to employ such officers at salaries not exceeding the amount as approved by Councils. All assistants and subordinate officers shall be appointed by said Commissioners from time to time as the same are required, at salaries to be fixed by said Commissioners.

SEC. 2. That any ordinance or part of ordinance conflicting with the passage of this ordinance at the present time, be and the same is hereby repealed so far as the same affects this ordinance.

Ordained and enacted into a law in Councils, this 29th day of December, A. D. 1871.

A. H. GROSS,
President of Select Council.

Attest: E. S. Morrow,
Clerk of Select Council.

H. W. OLIVER, Jr.,
President of Common Council.

Attest: H. McMasters,
Clerk of Common Council.
Sec. 3. A portion of said bonds shall be registered, and a portion coupon bonds, the amount of each kind to be determined by said Water Commission; and each bond shall be signed by the Mayor, countersigned by the Controller, and sealed by the Mayor with the corporate seal of the City.

Sec. 4. Said bonds shall be sold under the direction of said Commissioners, who shall report all sales so made to the Controller, within ten days after the same have been made, and within the same time pay to the City Treasurer, all moneys received on account thereof, who shall enter and account for the same as part of the Water Extension Fund.

Sec. 5. The Controller shall take receipts from said Commissioners for all bonds delivered to them for sale, and shall keep accurate accounts of all bonds issued and of all moneys which may be received or paid on account thereof, and shall cancel and file all bonds and coupons which may at any time be paid by the City Treasurer.

Sec. 6. All registered bonds issued in pursuance of this ordinance, shall be registered in the City Treasurer's office, and shall be transferable on the books of the Treasurer, and not otherwise.

Sec. 7. That any ordinance or part of ordinance conflicting with the passage of this ordinance at the present time, be and the same is hereby repealed so far as the same affects this ordinance.

Ordained and enacted into a law, in Councils, this 31st day of March, A. D. 1873.

A. H. GROSE,
President of Council.

Attest: E. S. Morrow,
Clerk of Council.

W. B. NEGLEY,
President of Common Council.

Attest: H. McMasters,
Clerk of Common Council.