

# LAWS

OF THE

## GENERAL ASSEMBLY

OF THE

# COMMONWEALTH OF PENNSYLVANIA

PASSED AT THE

SESSION OF 1907,

IN THE

ONE HUNDRED AND THIRTY-FIRST YEAR OF INDEPENDENCE,

TOGETHER WITH

**A Proclamation by the Governor, declaring that he has filed certain Bills in the office of the Secretary of the Commonwealth with his objections thereto.**

BY AUTHORITY.

HARRISBURG, PA.:  
HARRISBURG PUBLISHING CO., STATE PRINTER.  
1907.

No. 256.

## AN ACT

Providing for the acquiring of water plants or systems by municipalities, from corporations, firms, or individuals, and the manner of ascertaining and arriving at the value of the same; and to authorize municipalities of this Commonwealth to issue bonds, secured by such water plants or systems, for the payment thereof; and to provide a sinking-fund therefor, out of the revenues of said plants.

Section 1. Be it enacted, &c., That the several cities and boroughs of this Commonwealth, desirous of owning and operating the waterworks, plants, or system for the supplying of water to any such municipality and the inhabitants thereof, which waterworks, plants, or system is now, or may hereafter be, owned by a private corporation, firm, or individual, may petition the court of common pleas of the proper county, setting forth that the said municipality is desirous of owning said water plant or system, owned by such corporation, firm, or individual, and that it will be necessary, in order to make payments therefor, to issue bonds, secured by such plant or system of waterworks, and that therefore a value should be placed upon such waterworks, plant, or system, including all property, real or personal, used in connection therewith and reasonably necessary for its purposes.

Section 2. That the said court shall thereupon appoint three disinterested civil engineers as appraisers, to value and appraise such plant or system and the property used in connection therewith and reasonably necessary for its purposes, who shall file their report in the office of the prothonotary of the proper court within three months after their appointment, unless such time be extended by the court.

Section 3. The appraisers so appointed shall have full access to the books and records of the private corporation, firm, or individual owning said waterworks or system, to inform themselves as to the income and value thereof. They shall have power to administer oaths, and are hereby authorized to hear and consider the testimony of witnesses and other legal proofs. Their report shall be final, if not appealed from within ten days after notice of the filing thereof shall have been served on the mayor or burgess of the city or borough, and upon the corporation, firm, or individual owning the waterworks. Within said ten days either party may appeal from such appraisement, alleging an under or over valuation of the property thereby, and praying for a hearing before the court; and the said court shall thereupon, upon application of either party, fix a time when said appeal may be heard, of which time at least ten days' notice shall be given to the parties; and upon

Cities and boroughs.

Acquirement of waterworks.

Petition.

Contents.

Bonds.

Valuation.

The court shall appoint appraisers.

Report.

Rights and powers of appraisers.

Appeals.

**Hearing.** such hearing the court shall have power, after hearing legal proofs and arguments, to increase or lower such appraisement, or otherwise, and modify the same as the facts may warrant, subject, however, to the right of appeal by either party to the proper appellate court, as in other cases in equity.

**When value is finally determined.**

**Consent and election to sell.**

**Default.**

**Cessation of exclusive privilege.**

Section 4. After such value is finally determined, the municipality is authorized to buy said water plant at the valuation so fixed and determined; and the said corporation, firm, or individual, owning same, shall, within ten days' notice of such determination, and a request by the municipality so to do, file in said court a paper indicating its consent and election to sell and convey its plant, system, and property, so appraised, to the municipality, at the valuation fixed as aforesaid; and, in default whereof, such corporation, firm, or individual shall cease to have any exclusive privilege of supplying said municipality, or the citizens thereof, with water, and said municipality may install or cause to be installed such plant or system as the authorities may deem necessary and expedient for the accommodation of the public.

**Issue of bonds.**

Section 5. For the purpose of said purchase, the municipality may issue bonds, which shall be secured solely by such waterworks, system, and property, and the revenues thereof, to an amount not exceeding the appraisement of the value fixed by the said appraisers or the court. The proceeds of the sale of such bonds shall be used exclusively for the purpose of making payment for the property so acquired.

**Sinking-fund.**

**Terms of bonds.**

Section 6. The municipality shall provide an adequate sinking-fund for the receipts and revenues derived from said waterworks or system, for the payment of the interest on such bonds and for their redemption. The bonds shall be payable within thirty days from the date of their issue, and shall be redeemable at such earlier period as the municipality may, by ordinance, provide, and shall bear interest at a rate to be fixed by the municipality, not exceeding six per cent. per annum. The bonds shall be exempt from taxation for any purpose.

**Existing contracts or agreements.**

Section 7. Should there be, at the time of the passage of this act, a contract or agreement, in writing, existing between any corporation, firm, or individual owning the water plant or system, and a municipality then being supplied with water by such corporation, firm, or individual, establishing or adjusting or fixing the manner in which such water plant or system may be appraised, purchased, or acquired, then, and in that case, appraisers shall be selected, and the appraisement made in accordance with the terms of such contract, and to the respective parties to such contract shall, in lieu of the preceding provisions of this act.

carry out the terms of said contract in arriving at the value of said water-plant or system.

Section 8. All acts or parts of acts, whether local, special, or general, inconsistent herewith, are hereby repealed.

Repeal.

APPROVED—The 31st day of May, A. D. 1907.

EDWIN S. STUART.

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No. 257.

AN ACT

Providing for the advancement of cases on the trial list of the several courts of common pleas, where a new trial is granted, a judgment of nonsuit taken off, and where, on appeal, a judgment is reversed and a venire facias de novo awarded.

Section 1. Be it enacted, &c., That hereafter, whenever, in any of the courts of common pleas of this Commonwealth a new trial is granted in any case, or a judgment of nonsuit taken off, or, on appeal, a judgment is reversed and a venire facias de novo awarded, that the prothonotary of the proper court, on praecipe filed, shall place the said case for trial at the head of the next general trial list.

Courts.

Advancement of cases on trial list.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 31st day of May, A. D. 1907.

EDWIN S. STUART.

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No. 258.

A SUPPLEMENT

To an act, entitled "An act to provide for the organization, discipline, and regulation of the National Guard of Pennsylvania," approved twenty-eighth day of April, eighteen hundred and ninety-nine; providing for increasing the efficiency of the National Guard by the retirement of officers upon age or service, and defining the duties and rights of such retired officers.

Section 1. Be it enacted, &c., That on and after the passage of this act, when an officer has served forty years, either as an officer or soldier, or both, in the National Guard of Pennsylvania, he shall, if he make application therefor to the Commander-in-chief, be retired from active service and placed on the retired list; and when an officer is sixty-four years of age he shall be retired from active service and placed on the retired list: Provided, That all officers of the National Guard

National Guard of Pennsylvania.

Retirement of officers.

Proviso.