

# LAWS

2411-1

OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1873,

In the Ninety-seventh year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

BENJAMIN SINGERLY, STATE PRINTER.

1873.

No. 453.

## A Supplement

To an act authorizing the borough council of the borough of Bethlehem, Pennsylvania, to purchase the water works, real estate and improvements of the Bethlehem Water Company, and so forth, approved the thirteenth day of March, Anno Domini eighteen hundred and sixty-six.

**SECTION 1.** *Be it enacted, &c.,* That at each annual election for borough officers, in the borough of Bethlehem, in the county of Northampton, the voters of each ward shall elect one person, a resident property holder and tax-payer of that ward, to serve as water commissioners for one year; and said commissioners so elected, in conjunction with the burgess and members of town council, shall constitute the water board, and perform the duties of their office as provided by the act, approved thirteenth day of March, Anno Domini eighteen hundred and sixty-six.

**SECTION 2.** That the water board shall have full power and authority to assess a protection tax upon all improved real estate, within a distance of five hundred feet of any fire plug, for the purpose of defraying the expenses of carrying on said water works; the tax to be collected in the same manner that borough tax is now collected.

**SECTION 3.** In case it should become necessary to enlarge the said works, the plans and estimates of cost shall be submitted to the property holders, at a public meeting convened for that purpose, at least ten days notice thereof being given; the majority to approve or reject said plans and estimate.

**SECTION 4.** That in all acts and supplements heretofore passed in regard to the water works, of the borough of Bethlehem, whenever the phrase "water commissioners and council" occurs, the said phrase be so amended in every instance, as to read "the burgess, members of council and water commissioners shall constitute the water board."

**SECTION 5.** That the said water board are hereby authorized, for the purpose of procuring for and introducing into the borough of Bethlehem, a sufficient supply of fresh and pure water, for the inhabitants thereof, the said water board shall have full power and authority to lease or purchase, take, enter upon, occupy and hold any lands and tenements, fountains, springs, stream or streams of water, necessary for procuring, conducting and conveying fresh and pure water to the said borough, making compensations to the owners thereof, in manner provided for in act of assembly, number ten hundred and thirty-five, section five, eighteen hundred and sixty-six.

**SECTION 6.** That the burgess and town council shall publish a particular and detailed statement of the cost of said water works, itemizing the cost of each part of the same, and shall annually, in the month of February, publish a statement of

Water board constituted.

To assess a tax.

Works, how enlarged.

Former acts amended.

Powers of water board.

Statement to be published.

the receipts into and payments from the water funds, including income from the works and receipts from taxes, and showing particularly the amount of debt owing on account of the construction and maintenance of said works, and time when the same is payable.

SECTION 7. That all the money realized from the sale of bonds, issued in pursuance of the provisions of former acts, together with all the water rents and income of said water works, shall be designated the water fund, and shall be expended in the construction, repair and maintenance of said works, the payment of the interest on said bonds and the redemption of said bonds, and for no other purpose; that all laws or parts of laws inconsistent herewith be and the same are hereby repealed.

Water fund designated.

APPROVED—The 27th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 454.

## An Act

To authorize the borough of Renovo to erect water works and to supply the said borough with water.

SECTION 1. *Be it enacted, &c.*, That for the purposes of introducing into the borough of Renovo, in the county of Clinton, a sufficient supply of fresh and pure water, the corporate authorities of the said borough be and they are hereby authorized and empowered to purchase and hold in the name of said borough, in fee simple or for any less estate, any water power or powers in, near or convenient to the said borough, or any lands, tenements, hereditaments to which any water power or powers may be appurtenant, with full power the same or any part thereof to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber and demise and dispose of at their will and pleasure; and also to take, occupy and enjoy any stream or streams of water, or spring or springs in, near or convenient to the said borough, or any lands to which any stream or streams of water or spring or springs may be appurtenant, with full power to hold the same for the purpose above mentioned, they doing as little damage as possible, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

Borough authorities authorized to purchase water power, &c.

SECTION 2. That the said corporate authorities of the borough of Renovo, shall have full power and authority to provide, erect, construct and maintain all works and machinery or engines necessary or proper for introducing into the said borough a sufficient supply of fresh and pure water, and shall provide, erect, construct and maintain all proper buildings, cisterns and reservoirs, machinery, drains, trenches, pipes and all works and things necessary or proper to full and entire

To provide works and machinery.

completion of the same ; and for this purpose 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 burthen or draft, from time to time, and at all times hereafter, to enter into and upon any lands or enclosures and public or private roads, or highways or streets, as may be necessary, and to occupy, dig, ditch and lay pipes through the same, and to erect and maintain thereon such cisterns and reservoirs as may be needful and proper for the purposes aforesaid, and the same to raise, alter and repair, doing as little damage to private property, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

SECTION 3. The said corporate authorities of the borough of Renovo, their superintendents, engineers, workmen and laborers, with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, may enter upon lands contiguous to the dam or dams, works, cisterns and reservoirs which they may erect on the route upon which they may lay their pipes, and from thence take and carry away stone, earth, sand or other material necessary to the construction or repair of the said dam or dams, works, cisterns or reservoirs, or to the proper laying down of the said pipes, doing as little damage as possible, and repairing any breaches they may make in the enclosure thereof, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

SECTION 4. If the parties cannot agree upon the compensation to be made to the owner or owners of such lands and enclosures required for the use of said works, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall act under oath or affirmation, a majority of whom shall be competent to make an award in the case ; or if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county of Clinton, and the said court shall award a venire, directed to the sheriff, to summon six disinterested men of his county, in order to ascertain and report to the said court what damages, if any, has been done by the said corporation of the borough, of Renovo, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment of the sum awarded with reasonable costs to be assessed by the court: *Provided*, That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office, in the same manner as appeals are allowed in other cases, whether the said report was made by persons agreed on by the parties, or summoned by the sheriff, upon which appeal such proceedings shall be had as are used in actions for damages at common law: *And provided further*, That it shall be lawful for the said corporation, of the borough of Renovo, to enter at once into possession or use of such lands and premises, 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 said court conditioned for the

To enter upon lands and enclosures.

Pay damage therefor.

May enter for material.

Tribunal to assess damage.

Power of the court to summon appraisers.

Parties may appeal.

Authorities may enter upon by giving security for damages.