

LAWS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,

PASSED AT THE
SESSION OF 1867,

In the Ninety-first Year of Independence.

WITH AN APPENDIX

By Authority.

HARRISBURG:
SINGERLY & MYERS, STATE PRINTERS,
1867.

No. 715.

A Further Supplement

To the charter of the city of Erie, to provide for the appointment of water commissioners, and to define their powers and duties.

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,*

Judges of court of common pleas, to appoint water commissioners.

That at the first court of common pleas, held in and for the county of Erie, after the passage of this act, it shall be the duty of the judges of said court, to appoint three persons to serve as commissioners of water works, in the city of Erie, one of whom shall be appointed for one year, one for two years, and one for three years, and annually, thereafter, at the May term of said court, the said judges shall appoint one person to serve as said commissioner, for the term of three years, and the term of the person appointed for one year shall continue until a successor is appointed, as aforesaid; and in case of a vacancy occurring in said board of commissioners, by death, resignation, or otherwise, the remaining members thereof shall fill said vacancy until the next May term of said court, as aforesaid.

Vacancies, how filled.

Duty of commissioners.

SECTION 2. It shall be the duty of said commissioners to take the full charge and control of the erection and completion of water works in said city, and to make all contracts for the erection and completion thereof, and to provide for the repair and maintainance of the same, to acquire, by purchase, or otherwise, such and so much real estate as may be necessary for the efficient use of said water works, whenever the same may be needed, to furnish a full supply of pure and wholesome water, to be taken from the bay, or harbor, or from lake Erie, to collect the water rents and appoint all necessary officers and agents, and take from them, respectively, such security, for faithful performance of duty, as said commissioners shall deem proper, and to fix, from time to time, the amount of salaries and wages to be paid such officers and agents; they shall also have power to make all such by-laws, rules and regulations, for the economical and efficient management and protection of the works and their appurtenances, as they may deem expedient and necessary, and, from time to time, make and establish such rates, terms and conditions, upon which water from said works shall be furnished to applicants therefor, as said commissioners shall deem just and proper; but such rates, terms and conditions, shall be subject to approval by the city councils, before they go into operation; and all such by-laws, rules and regulations, when made by said commissioners, shall have the force and effect of ordinances in said city, and the penalties imposed thereby shall be collected, in the same manner that penalties imposed by city ordinances, are now, by law, collected; and said commissioners shall pre-

pare full and careful plans and specifications of all the work and material necessary, for the erection and completion of said works, and shall, by due public notice, invite proposals for performing and furnishing the same, and shall, in all cases, let the contracts therefor, to the lowest responsible and capable bidder, and shall take adequate security for the due performance of the several contracts; and said works shall be put under contract, and prosecuted to completion, with all convenient and reasonable dispatch.

SECTION 3. Said commissioners shall make a monthly report to the council of the city, of the receipts and disbursements of money belonging to the works, and annually, make a detailed report of their condition, which shall be published for the information of the public; and they shall cause all moneys collected for water purposes, to be deposited, weekly, with the city treasurer, by the collectors, who shall return a receipt therefor to the commissioners; and all moneys, so deposited, on account of water works, shall be kept a separate and distinct fund, for the payment of the indebtedness of said water works, and for no other purpose; and the money in said fund shall only be drawn out, on the order of at least two of said commissioners, countersigned by the secretary, or clerk, of the board.

Moneys belonging to works, duty of commissioners relative to.

SECTION 4. Whenever the said commissioners shall determine that any real estate is necessary for the use of said water works, and they are unable to agree with the owner, or owners, thereof, or in case of minor owners, with the guardian, or guardians, thereof, as to the price to be paid for the said real estate, the said commissioners may apply to the court of common pleas of Erie county, in the manner provided by the eleventh section of the act of February nineteenth, one thousand eight hundred and forty-nine, relating to railroads; and the court shall thereupon appoint five discreet and disinterested freeholders of said county, to view and assess the damages to be paid said owner, or owners, for the land required; and the proceedings on said application, after the appointment of viewers, as aforesaid, shall be, in all respects, according to the provisions of said act of February nineteenth, one thousand eight hundred and and forty-nine.

Disagreement with owners of real estate as to price to be paid for same, relative to.

SECTION 5. The mayor and council of said city shall make and issue bonds, to such an amount as shall be deemed necessary, for the purpose of erecting and completing said water works; said bonds shall be issued in the form, and on the terms, now allowed by the charter of said city, and shall be designated as "water works bonds;" and said bonds shall be delivered to said commissioners, from time to time, on their requisition, after the commencement of said works: *Provided*, That each requisition, as aforesaid, shall be accompanied by a detailed statement of the amount of work done upon, or material purchased for, said works, up to the time of such requisition: *Provided further*, That said councils may, if they deem it expedient, deliver said bonds to said commissioners, faster than actually needed to pay for work done, or materials furnished: *And provided further*, That said bonds shall not be sold for less than par, without the consent of councils, and

Mayor, &c., authorized to issue bonds.

Proviso.

Proviso.

Proviso.

the proceeds of said bonds, shall be applied to the erection and completion of said water works, and to no other purpose.

SECTION 6. The commissioners, aforesaid, shall each receive not exceeding four dollars per day, for each day actually spent by them, in and about the business aforesaid; and they shall severally give bond to the city of Erie, with sufficient surety, to be approved by the court of common pleas of Erie county, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of the office of water commissioner, as aforesaid.

SECTION 7. The city councils may set apart so much of any property, in the bay, or harbor, held in trust by it, for any purpose, as may be necessary, for the use of said water works.

Compensation
of commission-
ers.

To give bond.

Councils may
set apart cer-
tain property.

JOHN P. GLASS,

Speaker of the House of Representatives.

LOUIS W. HALL,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini one thousand eight hundred and sixty-seven.

JNO. W. GEARY.

No. 716.

An Act

Relating to the collection of bounty taxes in the county of Lehigh.

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 whenever any bounty tax, heretofore levied, or that may hereafter be levied, by the proper authorities of any township, or borough, in the county of Lehigh, shall exceed the bounty debt of such township, or borough, it shall be lawful to collect such tax in the same manner, as if there were no excess, and such excess shall be paid to the treasurer of the common school fund of the proper township, or borough, for common school purposes; and it shall be lawful for the school directors of any township, or borough, in said county, to assume the bounty debt of such township, or borough, and levy the same, by taxation, in the same manner as if it had been incurred for common school, or building, purposes: *Provided,* That the provisions of this act shall not apply where the amount, in excess, or to be assumed, as aforesaid, shall exceed five hundred dollars: *And provided further,* That the provisions of this act shall not affect the power of such school directors to