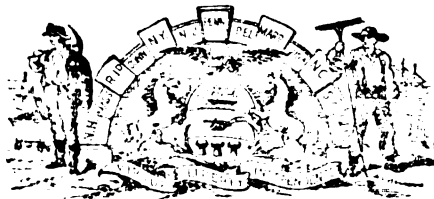


LAWS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE
SESSION OF 1865,

In the Eighty-Ninth Year of Independence.

With an Appendix.



HARRISBURG:
SINGERLY & MYERS, STATE PRINTERS.
1865.

enjoined to employ David Putney, of Armstrong county, as surveyor, with an additional per diem allowance of two dollars; two chain carriers, with a per diem allowance of two dollars each; and the said commissioners, respectively, shall receive a per diem allowance of two dollars and fifty cents, for each day, necessarily employed, in performing their duties; which account shall be settled, and paid, by the commissioners of the proper county, in proportion to the time employed in each: *Provided*, That the grade of said road shall not exceed five degrees. Compensation.
Grade.

SECTION 3. That it shall be the duty of the said surveyor to make a fair and accurate draft of the location of said road, noting therein the courses and distances, with reference to the improvements; one copy of which shall be deposited in the office of the secretary of the commonwealth, on, or before, the first day of December next, and one copy, in the office of the clerk of quarter sessions of each county, on, or before, said day; and from thenceforth, the said road shall be, to all intents and purposes, a public highway, and shall be opened to the width of forty feet. Surveyor to make draft of location, &c.
Copies thereof to be filed.

SECTION 4. That it shall be the duty of the supervisors of the townships, respectively, through which said road may pass, to open said road, to mark, as aforesaid, and keep the same in repair, as all other roads are now opened and repaired. Duty of supervisors.

ARTHUR G. OLMSTED,

Speaker of the House of Representatives.

WILLIAM J. TURRELL,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini one thousand eight hundred and sixty-five.

A. G. CURTIN.

No. 444.

A Supplement

To an act, entitled "An Act revising the charter of the municipal corporation of the city of Reading," passed April twenty-sixth, Anno Domini one thousand eight hundred and sixty-four.

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 city of Reading is hereby divided into four districts, for the election of commissioners of water, as follows, to wit:

City divided in-
to four districts,
for election of
commissioners
of water.

that portion of the city, lying east of Sixth street, and south of Penn street, shall compose one district; that portion of the city, lying west of Sixth street, and south of Penn street, shall compose one district; that portion of the city, lying west of Sixth street, and north of Penn street, shall compose one district; and that portion of the city, lying east of Sixth street, and north of Penn street, shall compose one district; which districts shall be numbered one, two, three and four, in the order in which they are herein described; and the commissioners, hereinafter provided for, shall be chosen, one from each of the aforesaid districts, of which they shall be residents, respectively, at the time of their election.

Mode of elec-
tion, official
term, &c.

SECTION 2. That within ten days after the passage of this act, the councils of the city of Reading shall meet, in joint convention, and elect four persons, one from each of the aforesaid districts, citizens of the said city, neither of whom shall be a member of the city councils, who shall be styled commissioners of water; each member of councils, at said first election, shall vote for two commissioners, and the four persons, having the highest number of votes, shall be declared elected; one of said commissioners, so elected, being one of the two highest, in the number of votes cast, and one of said commissioners, so elected, being one of the two lowest, in the number of votes cast, shall hold office, for the period of four years, to be computed from the first Wednesday succeeding the city election, held in the year one thousand eight hundred and sixty-five; and the other two, so elected, shall hold office, for the period of two years, to be computed from the first Wednesday succeeding the city election, held in the year one thousand eight hundred and sixty-five; the choice between the two highest and the two lowest, at the first election, for the term of office, held, as aforesaid, shall be determined by lot; and thereafter, every two years, there shall be elected, in joint convention of councils, on the Wednesday succeeding the city election, two commissioners of water, qualified as aforesaid; each member of councils to vote for only one commissioner, who shall not be a member of councils; and the two persons, receiving the highest number of votes, shall be declared duly elected, for the period of four years from the date of their election; and no compensation shall be received by the said commissioners, for their services.

To receive no
compensation.

Vacancies, how
to be filled.

SECTION 3. Whenever a vacancy shall occur, in said board of commissioners, by death, resignation, removal from office, or removal from the district, for which he was elected, or otherwise, such vacancy shall be filled by the remaining members of the board of commissioners of water; and the person, so chosen, by them, to fill said vacancy, shall serve for the unexpired term of the commissioner, whose place is vacated, in manner following, to wit: if the office, vacated, has been filled by a commissioner, who, at the time of his election, had the highest, or next to the highest, number of votes, in the joint convention of councils, then, his colleague, in said board, who was elected at the same time with him, by the same vote, or higher, or next highest vote to him, shall fill the vacancy, by nominating, to his colleagues, a person, qualified as aforesaid,

residing in the district vacated; and if said person shall be approved by his two colleagues, such person shall be declared duly elected, for the unexpired term; if the office vacated has been filled by a commissioner, who, at the time of his election, was one of those having had the lowest number of votes, in joint convention of councils, then, his colleague, in said board, who was elected at the same time with him, by the same vote, or next vote to him, above or below, shall nominate a person, qualified as aforesaid, to his two colleagues, to fill such vacancy; and if said person shall be approved by his two colleagues, he shall be declared duly elected, for the unexpired term of said office; in case two, or more, vacancies should occur, either among those elected by council, in joint convention, or those elected by the board, to fill vacancies, such vacancies shall be filled by the remaining members of the board of commissioners, on the principle, that, when filled, the board shall fairly and equally represent both the majority and minority vote of the joint convention, which originally elected them; and no member of the board of commissioners shall, at any time, during the term of office for which he has been elected, either by the joint convention of councils, or by the board of commissioners, be subject to removal from office, except by indictment for misdemeanor in office; and said commissioners shall be duly sworn, or affirmed, on entering upon the duties of their office, to execute the same with fidelity.

Removals, relative to.

Commissioners to be sworn.

SECTION 4. It shall be the duty of the said commissioners, to take charge of the water department, of the city of Reading, and by their sole authority, to employ and dismiss, at pleasure, a superintendent, whose compensation shall be fixed by the select and common councils, in accordance with the provisions of the city charter, and to employ such laborers, mechanics and workmen, as they may deem necessary, for the economical administration of said department; to purchase such materials as may be requisite, for keeping said water works in good repair, but not for the construction of new works, without the consent and direction of councils; they shall have charge and control of all extensions of the water, into districts of the city, not now supplied, and of all construction and re-construction of the water works, enlargements, and re-placing of pipes, conduits, and enlargements of the present, and excavations of new, reservoirs, conducting new springs, and streams of water, into the reservoirs, and of all and every thing appertaining to the good management of the water works, as they now are, or as they may hereafter be, made, by the city councils of Reading; and to do and perform such other duties, as may be imposed upon them, by councils, relating to the management of said water department, in accordance with the provisions of this act; and the said commissioners shall, whenever called upon by councils, make and submit to them full estimates of the costs, charges and expenses of any new work, enlargement, extension of water supply, or alterations, which councils may contemplate making, relative to said work; and said board may, at any time, submit to councils, at a stated meeting, any suggestions and estimates, they may see proper to make, touching the improve-

Their powers and duties.

ment, extension of water supply, or enlargement of said works; but no new work of construction, re-construction, extension of supply of water, or enlargement of said works, shall be undertaken, by said commissioners, without the consent of councils being first had and obtained; and whenever an extension of a supply of water, to portions of the city not now supplied, either from the present reservoirs, or those which may hereafter be constructed, shall be made by the commissioners, by and with the advice and consent of councils, so as aforesaid, the said commissioners shall make out a full statement of the number of feet of main pipes laid, or extended, throughout any of the streets of the city, in which main pipes were not laid, before the said extensions, and shall file the same, in the office of the clerk of the select council; and it shall be the duty of the clerk of the select council, forthwith, on receipt of said statement, to make out a list of all the owners of houses and buildings, on each side of the said streets, through which said water pipes are extended, and to charge said owners, thereof, and each of them, for each and every house, or building, so situated, on said streets, at the rate of fifty cents per foot, of said mains, extending along the front of their respective houses and buildings; and said charge shall be called the frontage water tax, and shall be levied and collected, as city taxes are now levied and collected; and if not paid, within the times limited for the collection of other taxes, liens shall be filed, for the same, in the prothonotary's office, of the court of common pleas of Berks county; and said taxes shall continue a lien, for five years, against the respective land-owners, on which houses and buildings are situated; and it is hereby made the duty of the city police, under the direction of the board of commissioners of water, to see that no parties use the water of the city, without paying for the same, as shall be regulated by councils, in ordinances and resolutions; and whenever the said board of commissioners shall be equally divided, in the determination of any question, which may arise in their board, touching the management of the said works, the casting vote shall be given by the mayor of the city; and the clerk of the select council, of the city, shall be *ex-officio* secretary of said board of commissioners.

Water rates.
how to be fixed,
&c.

SECTION 5. The said commissioners shall have the sole power to fix the water rates, and the quantity to be used, and for that purpose, they shall, on the first Monday of March, in each and every year, establish the rates for the current year; which rates shall be submitted, by them, to councils, for their approval, and when approved, such rates shall not be changed, for and during that year; but if not approved, then the subsisting rates shall continue, until modified by the commissioners, with the approval of councils.

Councils may
enlarge present
water works, or
construct new.

SECTION 6. The city councils shall have power to increase, enlarge and re-construct the present water works, and to construct new works, furnish new supplies of water, for the reservoirs, and to do all and everything that may be necessary for keeping the city, at all times, well supplied with good and wholesome water: *Provided*, That in so doing, they shall not

Proviso.

exceed the limits, prescribed in the city charter, to the power of said councils, to increase the debt, or taxes, of said city.

SECTION 7. The said commissioners of water shall, annually, on the second Saturday of January, in each and every year, report to the city councils, a full statement of all the repairs, alterations, re-constructions, new constructions, expenditures, and everything relating to the management and cost, to the city, of maintaining the water works; and the treasurer of the city shall keep his accounts in such a manner as to show, in his monthly report, distinctly and separately, the entire amount of revenue realized, during said month, from the water works of said city.

Commissioners to report to councils, annually.

Duty of treasurer.

SECTION 8. The city councils of Reading shall pass such rules, regulations and ordinances, from time to time, as may be necessary, for carrying out the provisions of this act: *Provided*, The same shall not be inconsistent with the constitution, or laws, of this commonwealth, or this act; and they may impose fines and penalties, for all violations of the laws, ordinances, rules and regulations, so established, recoverable as other fines and penalties are now imposed and recovered, under the provisions of the city charter: *Provided*, That no penalty, for any one offence, committed against such laws, ordinances, rules and regulations, shall exceed the sum of thirty dollars.

Councils to pass regulations, &c.

Proviso.

May impose fines, for violations of ordinances, &c.

Proviso.

SECTION 9. The city councils shall provide, by ordinance, for the collection of all the water rates that may accrue, from time to time, to the said city, for the use of the water, fixing the time when such rates shall be paid, and the penalties, for non-payment thereof; and from and after the passage of this act, all water rates, whether furnished by the present mode of supplying the city, or by any extensions which may hereafter be made, shall be charged to the respective owners of the real estate, on which such water is used; and if the same shall not be paid for, in accordance with the provisions of said ordinances, liens shall be filed, in the prothonotary's office of Berks county; said rates shall be collected, in the same manner, and under the same restrictions, as are now provided for, by the charter of the city of Reading, for the collection of city taxes on real estate.

Collection of water rates, relative to.

SECTION 10. That on and after the passage of this act, each and every owner of a house, or houses, or buildings, in the city of Reading, located on a street, along which water mains have been, or may hereafter be, laid, and out of which a supply of water can be had, by the owners thereof, at their pleasure, shall be charged and held liable, whether the water is used by them, or not, respectively, to the city, for the water rates; and said rates shall be a lien on the real estate of the said owners thereof, respectively: *Provided*, That liens shall be filed, for the same, if not paid, within the time prescribed, as liens are now filed, for city taxes on real estate: *And provided further*, That persons, owners of houses, or buildings, not using the said water, shall only be charged at the half-minimum rate of water supply: *And provided further*, That if any owner shall make affidavit, before the commissioners, that he has supplies of water, on his own premises, obtained

Owners of houses liable.

Rates to be liens.

Proviso.

Proviso.

Proviso.

from other sources, and that no water is used, on said premises, belonging to the city of Reading, the commissioners shall exempt said owner from the water rate, and said affidavit shall be renewed, as often as the commissioners may require the same.

Corporation of the Reading water company continued, for the purpose of closing up its affairs, &c.

Limitation.

Construction of certain provisions limiting the amount of money to be borrowed.

Payments heretofore made by councils, for bounty purposes, legalized.

Councils authorized to borrow an additional sum of money.

SECTION 11. The corporation of the Reading water company shall continue, and is hereby extended, for all purposes, necessary to the closing up of its business affairs. the execution of its contracts, heretofore made, the collection of debts due, the payment of liabilities incurred, and for maintaining, or defending, any action, or actions, at law, which may arise out of any of its business transactions, heretofore made, or made in pursuance of this act: *Provided*, That said continuation shall not extend beyond the period of five years, from the date of this act.

SECTION 12. That the proviso, in the thirty-seventh section of the act of twenty-sixth April, Anno Domini one thousand eight hundred and sixty-four, entitled "An Act revising the charter of the municipal corporation of the city of Reading," limiting the power of the select and common council of said city, in borrowing money, for the use of said city, on the faith of the same, to the sum of three hundred thousand dollars, shall be construed to be exclusive of any and all sums of money, which may have heretofore been, or may hereafter be, borrowed, by said councils, for the purpose of paying bounties to volunteers, drafted men, substitutes, or for any other purpose connected with furnishing men for the military forces of the state, or of the United States, which, by law, they are authorized to do.

SECTION 13. That all moneys, heretofore borrowed by the select and common councils of the city of Reading, for the purpose of paying bounties to volunteers, drafted men, substitutes, or to those furnishing substitutes, and all payments made to the same, by the said councils, be and the same are hereby legalized and made valid.

SECTION 14. That the select and common councils of the city of Reading be and they are hereby authorized and empowered to borrow any sum of money, not exceeding two hundred thousand dollars, in addition to the three hundred thousand dollars, and for the same purposes, which they are now authorized and empowered to borrow, by the second proviso of the thirty-eighth section of the act, passed the twenty-sixth day of April, Anno Domini one thousand eight hundred and sixty-four, entitled "An Act revising the charter of the municipal corporation of the city of Reading," for defraying the expenses and costs of supplying said city with water and gas, either by purchase, or otherwise, as is hereinbefore, in said act, provided for.

ARTHUR G. OLMS TED,
Speaker of the House of Representatives.

WILLIAM J. TURRELL,
Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini one thousand eight hundred and sixty-five.

A. G. CURTIN.