

sions of this act by resolutions of the school boards of such city, duly passed by a majority of the members elected to each of such separate districts thereof voting in favor of the same: *Provided*, that if, in any such city school district, there be included any territory of an adjacent borough or township, at the meetings aforesaid of the boards, only the members resident within the city limits shall vote upon the said resolutions. Said resolutions shall be recorded upon the minutes of the proper district, and a certified copy of said resolutions, signed by the respective presidents and attested by the secretaries, accompanied by a statement of the votes thereon in each district, with the names of the members voting for and against said resolutions, shall be filed and recorded in the office of the court of quarter sessions of the proper county within thirty days from the passing of the same; and from the date of such filing and recording the said city shall constitute a school district within the meaning of this act and be subject to the provisions of the same, any provision of any local or special law to the contrary notwithstanding.

Proviso.

Resolutions of acceptance to be recorded on minutes, etc.

And filed and recorded in court of quarter sessions.

SECTION 10. Any city of the third class now incorporated, having but one school board representing the entire city, may likewise accept and become subject to the provisions of this act in manner above provided, and shall thereby constitute a school district within the meaning of this act and be subject to the provisions thereof.

Cities of third class having but one school district may accept the provisions of this act.

APPROVED—the 23d day of May, A. D. 1889.

JAMES A. BEAVER.

No. 247.

## AN ACT

Providing for the incorporation and government of cities of the third class.

### ARTICLE I.

#### *Incorporation of Cities of the Third Class.*

SECTION 1. *Be it enacted, &c.*, That cities of the third class shall be chartered whenever a majority of the electors of any town or borough, or of any two or more contiguous towns or boroughs, situated within the limits of the same county and having together a population of at least ten thousand according to the last preceding United States census, shall vote at any general election in favor of the same; and whenever the corporate authorities of any such towns or boroughs shall, by resolution thereof duly passed and recorded among the minutes, determine to hold an election upon the question of becoming a city, they shall give notice thereof during at least four weeks immediately prior

How cities of the third class shall be formed.

Elections in towns or boroughs on the subject.

Notice thereof.

Tickets.

to the next general election, in all of the newspapers published in said towns or boroughs, that such an election will be held; and at the said general election it shall be the duty of the inspectors and judges of elections within said towns or boroughs to receive tickets, either written or printed, from the electors thereof qualified to vote by the Constitution of this State, labeled on the outside "city charter," and containing on the inside, "for city charter," or "against city charter," and to deposit said tickets in a box to be provided for that purpose; and the tickets so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county, and a duplicate return to the Secretary of the Commonwealth, each duly certified in the manner required by law; and in receiving, counting and making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this Commonwealth regulating general elections; and all the electors, inspectors, judges and clerks voting at and in attendance upon the elections to be held under the provisions of this act, shall be subject to the penalties imposed by the election laws of this Commonwealth.

Returns of election.

Election to be governed by laws governing general elections.

If majority is against city charter no further proceeding to be had.

If a majority favor a city charter the Governor to issue letters patent.

The property of the towns and boroughs then to vest in the city.

Terms of persons in office.

Municipal elections.

SECTION 2. Whenever by the returns of the election in any towns or boroughs aforesaid, it shall appear that there is a majority against a city charter, no further proceedings shall be had, and it shall not be lawful to hold another election upon that question in such towns or boroughs for three years thereafter. If it shall appear by the said returns that there is a majority in favor of a city charter, the Governor shall issue letters patent, under the great seal of the Commonwealth, reciting the facts, defining the boundaries of the said city and constituting the same a body corporate and politic, by the name of the city of ———; and the corporate authorities of any such towns or boroughs shall, within sixty days after such election, furnish to the Secretary of the Commonwealth the necessary information in regard to the boundaries of the said city.

SECTION 3. All the property and estates whatsoever, real and personal, of the towns or boroughs which shall have thus become a city of the third class, are hereby severally and respectively vested in the corporation or body politic of said city, by the name, style and title given thereto as aforesaid, and for the use and benefit of the citizens thereof forever; and the charters of the said towns or boroughs shall continue in full force and operation, and all officers under the same shall hold their respective offices until the first Monday of April following the third Tuesday of February next succeeding the issuing of letters-patent to the said city, at which time the officers of said city chosen at the preceding municipal election shall enter upon their respective terms of service, and the city government shall be duly organized under this act. All suits, prosecu-

tions, debts and claims whatsoever shall thereupon become transferred to the said city, which, in all suits pending, shall be substituted as party therein and be under the management and control thereof, as fully and completely as if no alteration had been made in the said charter; and all claims and demands of whatsoever nature, whether payable presently or in future, existing against the said towns or boroughs when the said charter shall go into operation, shall by force thereof be recoverable from or against the said city: *Provided*, That where two or more towns or boroughs shall, under the provisions of this act, be consolidated into a city, the debt or debts of each of said towns or boroughs contracted prior to such consolidation shall be paid by such towns or boroughs respectively, and for the liquidation of such debts the authorities of such city shall have power to adjust and provide for the same and to levy separate rates of taxation on all property subject to taxation within the boundaries of the said towns or boroughs respectively.

Pending suits, claims, etc.

Existing debts.

The towns and boroughs each to pay its own indebtedness.

City authorities to adjust same.

## ARTICLE II.

### *Creation and Division of Wards.*

SECTION 1. Wards in cities of the third class may be divided, or new wards created therein, by the court of quarter sessions of the proper county, on application thereto for that purpose by the petition of at least one hundred qualified electors thereof, or of the councils of such city, and upon such petition praying for the division of a ward, or for the erection of a new ward out of parts of two or more wards, the said court shall appoint five impartial men, residents of the city, but not of the wards to be affected thereby, as commissioners to inquire into the propriety of granting the prayer thereof, and it shall be the duty of the commissioners so appointed, or any four of them, to examine the premises and to make a draft of the ward to be divided, showing the division thereof, or of the new ward proposed to be created, as the case may be, and they shall make report to the said court of quarter sessions at its next term, together with their opinion of the same; and at the term after that at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable.

Division and creation of wards.

Proceeding therefor in court of quarter session.

Court to appoint commissioners to inquire, etc.

Their duties.

Report.

SECTION 2. If the commissioners, or a majority of them, report favorably to such division or creation, the court shall order a vote of the qualified electors of the ward or wards to be affected thereby to be taken on the question of the division or creation thereof, and shall appoint an election to be held on the day of municipal or general election, when the election officers of the ward or wards proposed to be divided or affected thereby, shall hold such election at the places and in the manner provided by law for the regulation of

If report is favorable an election to be ordered.

**Notice of election.** municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' public notice, by advertisement in at least three newspapers, if so many be printed in said city, or by handbills, posted in the most public places in said ward or wards, that such an election will be held and of the time and place of holding the same. The judges and inspectors of election of said ward or wards shall receive from the electors thereof written or printed tickets, having on the outside the word "new ward," and on the inside the words "for new ward," or "against new ward," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for and against such new ward, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days, and the said clerk shall record said return and forthwith lay it before the court. If it shall appear that a majority of the votes so taken are for a new ward, the said court shall thereupon order and decree the creation of such new ward or wards, agreeably to the lines marked out and returned by the commissioners, and shall number the new wards, and cause a certified copy of the whole proceedings to be placed of record among the minutes of councils. If a majority of votes have been against a new ward no further action shall be had upon such proceedings, nor shall any new application for such new ward be heard for three years from the date of such election: *Provided*, That no ward shall contain less than three hundred taxable inhabitants according to the last preceding enumeration, and no city of the third class shall contain more than twenty-one wards.

**Tickets.**

**Return of election.**

**Decree, etc., if vote is favorable.**

**If vote is unfavorable no further action to be had.**

**Wards to have not less than 300 taxables.**

### ARTICLE III.

#### *Annexation of Territory.*

**SECTION 1.** Any borough or township, or part of a township, adjoining any city of the third class and being part of the county in which the same is situated, may be annexed to such adjoining city, in the following manner, namely: In the case of a borough, the town council may pass an ordinance for such annexation whenever three-fifths of the taxable inhabitants of such borough shall present a petition asking therefor; in the case of a township or part of a township, three-fifths of the taxable inhabitants of such township, or part of a township, shall present a petition to the councils of said city asking for such annexation, which said petition, in case a part only of a township desires to be admitted, shall be accompanied by a plot of the same.

**SECTION 2.** Upon the presentation to the councils of such city of a certified copy of the ordinance in the case of a borough, or of the petition in the case of a town-

**Proceedings to annex boroughs or townships.**

**Councils may by ordinances annex same.**

ship, or of the petition and plot in the case of a part of a township, said councils may by ordinance annex such borough, township or part of a township to said city.

SECTION 3. The action of said city councils shall be final and conclusive, unless an appeal therefrom be taken within ten days to the court of quarter sessions of the county; upon such appeal, the clerks of said city councils and of said borough councils shall certify to said court all the papers and proceedings in the case, whereupon the court shall examine and inquire, and if the proceedings appear to have been in conformity with law, shall approve the same.

Their action final unless appealed from.

Appeal.

Duty of the court.

SECTION 4. Upon the application by petition signed by a majority or more of the taxable citizens, owners of any out-lots or section of land containing not more than one hundred acres, lying adjacent to any city of the third class, and being part of the county in which the same is situated, to the court of quarter sessions of the respective county, stating that they desire the same to be annexed to said city, the necessity therefor, and describing the lots of land to be annexed, with a map or draft of the same, which petition shall be sworn to by one or more of the petitioners and accompanied by a joint resolution of the councils of said city approving of the annexation, the said court shall thereupon appoint five viewers to inquire into and investigate the allegations and facts stated in the said petition, and the said viewers, or a majority of them, shall make a report to said court at its next sessions after their appointment; if they report that they find the statements and facts of said petition to be true, and recommend the annexation as prayed for, the said court shall thereupon make an order or decree to carry the same into effect, and the said out-lots or section of land shall thereafter be a part of said city, as fully as if the same had been originally a part thereof. The costs of the proceedings in all cases shall be paid by the city. If the report of said viewers shall be adverse to the prayer of the petitioners the petition shall be dismissed.

Annexation of out-lots, etc.

Petition.

Viewers to be appointed.

Report.

Decree of court.

Costs.

If report be adverse.

SECTION 5. Whenever any borough, township or part thereof, out-lots or section of land shall be annexed to an adjoining or adjacent city as hereinbefore provided, it shall be the duty of the court, upon petition and proof, to make such order or decree as will give to the people of the annexed territory representation in the different branches of government of said city, by including said territory within the limits of an adjacent ward or wards, or by creating a new ward thereof; and said court shall, in case of the creation of a new ward, appoint the election officers and place for holding the first election of ward officers, and for that purpose may order a special election, if said court shall deem the same necessary, to be conducted in the manner provided by law for conducting municipal elections. The officers elected at such special election shall hold their

Territory annexed to be included in adjacent wards.

Duty of court thereupon.

Special election.

respective offices until their successors, who are hereby required to be elected at the municipal election, held on the third Tuesday of February next succeeding the same, shall be duly qualified.

#### ARTICLE IV.

##### *General Provisions.*

Councils.

SECTION 1. The legislative power of every city of the third class shall be vested in the councils thereof, which shall consist of two branches, the select and common council. No officer of the United States or of the State of Pennsylvania, (except notaries public or officers of the militia), nor any municipal or county officer or employé of the city or of any department thereof, shall serve as a member of councils during his continuance in such office or employment.

Eligibility.

How ordinances shall be passed.

SECTION 2. No ordinance shall be passed by councils except by bill and no bill shall be so altered or amended on its passage through either branch as to change its original purpose.

Bills to be referred and printed.

To contain but one subject.

No bill shall be considered unless referred to a joint or separate committee, returned therefrom and printed for the use of the members; and no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.

How bills shall be passed.

Yeas and nays on final passage.

SECTION 3. Every bill shall be read at length in each branch; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall be passed finally in either branch upon the same day on which it was introduced or reported. On its final passage the vote shall be taken by yeas and nays, and the names of the persons voting for and against the same be entered on the journal, and no bill shall be passed finally unless a majority of the members elected to each branch be recorded thereon as voting in its favor.

Vote on amendments.

Adoption of conference committee reports.

SECTION 4. No amendment to bills by one branch shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against the same recorded upon the journal thereof; and reports of committees of conference shall be adopted in either branch only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Councils to prescribe the number, duties, etc., of city officers.

Extra compensation forbidden.

SECTION 5. The councils shall prescribe by ordinance the number, duties and compensation of the officers and employés of the city, and no payment shall be made from the city treasury, or be in any way authorized, to any person except an officer or employé elected or appointed in pursuance of law; and no ordinance shall be passed giving any extra compensation to any officer, servant, employé, agent or contractor, nor pro-

viding for the payment of any claim against the city without previous authority of law; and any officer drawing or countersigning any warrant, or passing any voucher for the same, or paying the same, shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars and imprisonment not exceeding one year.

SECTION 6. All stationery, paper and fuel used in the councils and in other departments of the city government, and all work and materials required by the city shall be furnished, and the printing, advertising and all other kinds of work to be done for the city, except ordinary repairs of highways, shall be performed under contract to be given to the lowest responsible bidder, under such regulations as shall be prescribed by ordinance. Councils may, by ordinance, provide a contingent fund for necessary repairs or incidental expenses, not provided for in the annual contracts for labor or supplies, and such fund shall be appropriated to such purposes exclusively and may be expended without advertising for bids.

SECTION 7. No money shall be paid out of the city treasury except upon appropriations made according to law, and on warrant drawn by the proper officer in pursuance thereof; and no municipal department shall create any debt or make any contract, except in pursuance of previous authority of law or ordinance.

SECTION 8. A member of councils who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, and upon conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by separate and solitary confinement at labor for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this Commonwealth.

SECTION 9. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any member of councils to influence him in the performance or non-performance of any of his public or official duties, shall be guilty of bribery and be pun-

Contracts to furnish stationery, fuel, etc.

Contingent expenses.

Expenditure of public moneys regulated.

Creation of debts.

Soliciting or receiving bribes by councilmen.

How punished.

Offering bribes to councilmen.

How punished.      ished in such manner as that offense is by law punishable.

Councilmen interested in measure not to vote.      SECTION 10. A member who has a personal or private interest in any measure or bill proposed or pending before councils, shall disclose the fact to the branch of which he is a member, and shall not vote thereon nor take part in the discussion of the same. If such interested member shall vote without disclosing his interest in such measure or bill, and the same be carried by his vote, he shall forfeit his office, and such measure or bill shall be void.

Penalty for such voting.

City property not to be used for private gain.

SECTION 11. No portion of the property of the city shall be used for purposes of private gain by any officer, councilman, agent or employé of said city, or of any department thereof, nor shall the same be willfully used or injured, or be sold or disposed of in any manner, without the consent of councils, by any such officer, councilman, agent or employé. Nor shall any officer, councilman, agent or employé of said city or of any department thereof be interested, directly or indirectly, either personally or as a member or officer of any firm, company or corporation contracting with the city or any department thereof, for the use, lease, occupation or enjoyment of any of the works, material or property of said city. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the person or persons so offending shall be punished by a fine not exceeding one thousand dollars and by imprisonment not exceeding one year, or either, at the discretion of the court trying the same; and upon such conviction, the party offending shall be forthwith removed from his office or employment, and shall not thereafter be eligible to election or appointment to any place of profit or trust under said city or any department thereof.

Officers not to be interested in contracts.

Any violation declared a misdemeanor.

How punished.

City officers not to be surety for each other.

Penalty for violation.

SECTION 12. No member of councils or other city officer shall become the surety in any bond or obligation given to the city, by any other officer or by any agent or contractor, for the faithful performance of any trust, agency or contract. Any person becoming surety in violation of the provisions hereof shall forfeit his office, and be deemed guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars.

Officers not to be interested in agreement creating debt, etc.

Penalty for violation.

SECTION 13. No member of councils or other officer of such city shall, either directly or indirectly, be a party to, or in any manner interested in any contract or agreement with such city for any matter, cause or thing whatsoever by which any liability or indebtedness is in any way or manner created against such city, and if any contract or agreement shall be made in violation of the foregoing provision, the same shall be null and void, and no action shall ever be maintained thereon against said city.



SECTION 14. No member of councils or other officer of such city shall purchase any warrant, order or claim for labor or supplies furnished to such city, nor be interested, directly or indirectly, in the purchase of the same for any sum less than the amount specified therein, and any such person purchasing a warrant, order or claim in violation of the foregoing provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars.

Officers shall not purchase warrants, order or claim against city for labor, etc.

Penalty for violation.

SECTION 15 All officers of the several cities of the third class, whether elected or appointed, shall, before entering upon their respective duties, take and subscribe the oath prescribed by section first of article seven of the Constitution of this Commonwealth. Any person refusing to take such oath shall forfeit his right to the office, and any person guilty of a violation thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, or either, at the discretion of the court.

All officers to be sworn.

Form of oath.

Penalty for refusing to take the oath of office.

SECTION 16. The terms of members of councils and all other city and ward officers of said cities, except aldermen, elected upon the third Tuesday of February in any year, shall begin on the first Monday of April next ensuing thereto, and shall continue for the period fixed by law for the duration thereof in each particular case; and all elections for officers whose terms will expire on the first Monday of April, shall be held on the third Tuesday of February next preceding thereto.

Terms of officers.

When elections shall be held.

SECTION 17. The members of councils of the several cities of the third class shall assemble in their respective places of meeting, for the purpose of organization, at ten o'clock in the forenoon of the first Monday of April in each year; and the mayors of said cities shall be inaugurated and take the oath of office at twelve o'clock noon of the same day, at the commencement of their respective terms.

Organization of councils.

Inauguration of mayor.

SECTION 18. Whenever an election shall be held for city officers, on the third Tuesday of February in any year, for regular terms of service, it shall be the duty of the mayor to procure, at the expense of the city, from the prothonotary of the court of common pleas of the proper county, by which court the returns thereof shall be computed, a certified copy under the seal of the court, of the vote for all such officers, as computed by the court according to law, and lay the same before councils on the date and time fixed by law for their annual organization, and the said certificates shall be filed among the city archives and a copy thereof entered upon the journals. In the case of a special election for a member or members of councils to fill a vacancy or vacancies, the mayor shall procure from the prothonotary, as aforesaid, a certificate of the vote for

Mayor to procure certified copy of votes cast for city officers.

Same to be laid before councils and recorded.

In case of special election, same proceedings.

such member or members, as returned into his office by the proper election officers, and lay the same before the respective branch at the next regular meeting succeeding such election, which council shall enter the same among its proceedings. The court of quarter sessions shall appoint the places for holding the municipal and general elections in all of the election districts in each of said cities.

## ARTICLE V.

### *Corporate Powers.*

SECTION 1. The corporate powers and the number, character, powers and duties of the officers of cities of the third class now in existence by virtue of the laws of this Commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act.

Corporate powers.

SECTION 2. Every city of the third class within this Commonwealth is hereby declared to be a body corporate and politic, and shall have perpetual succession and shall have power:

I. To sue and be sued.

II. To purchase and hold real and personal property for the use of the city.

III. To lease and to sell and convey any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

IV. To make all contracts and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers.

V. To have and use a corporate seal and alter the same at pleasure; and every such seal shall have upon it the word "Pennsylvania," the name of the city and the year of its original incorporation.

To be exercised by mayor.

The powers hereby granted shall be exercised by the mayor and councils of such cities in the manner herein provided.

For what purposes ordinances may be enacted.

SECTION 3. Every city of the third class in its corporate capacity, is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this act:

Taxation.

I. To levy and collect taxes for general revenue purposes, not to exceed ten mills on the dollar in any one year, on all persons, real, personal and mixed property within the limits of said city, taxable according to the laws of the State of Pennsylvania for county purposes; the valuation of such property to be assessed as hereinafter provided.

Valuation of property.

II. To provide for the assessment and collection of taxes, in addition to the above, not exceeding one per centum on the dollar upon the assessed valuation in any one year, on all persons, real and personal prop-

erty and all other matters and things within said city, taxable for county purposes, for the payment of interest on bonded indebtedness and for the payment of loans to support the government and to make the necessary improvements in said city.

III. To impose a poll tax for general revenue purposes, not exceeding one dollar annually, on all male inhabitants above the age of twenty-one years.

Poll tax.

IV. To levy and collect, for general revenue purposes, a license tax not exceeding one hundred dollars each, annually, on all auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise vendors, bankers, brokers, pawnbrokers, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers, restaurants, bowling alleys, billiard tables and other gaming tables, drays, hacks, carriages, omnibuses, carts, wagons, street railway cars and other vehicles used in the city for hire or pay, lumber dealers, including commission men and all persons who make a business of buying lumber for sale at wholesale or retail, furniture dealers, saddle or harness dealers, stationers, jewelers, livery or boarding stable keepers, real estate agents, agents of fire, life or other insurance companies, market house companies, express companies or agencies, telegraph, telephone, steam heating, gas, natural gas, water, electric light or power companies or agencies, or individuals furnishing communication, light, heat or power by any of the means enumerated, and to regulate the collection of the same.

License taxes.

V. To borrow money on the credit of the city, and to pledge the credit and revenue thereof for the payment of the same, to an amount not exceeding two per centum upon the assessed value of the taxable property in said city; and, with the consent of the people of the said city, obtained at an election held under the provisions of the constitution and the general laws of this Commonwealth, to increase the indebtedness of such city to an amount not exceeding in the aggregate seven per centum upon the assessed valuation of the taxable property therein.

Power to borrow money and secure payment thereof.

Increase of indebtedness.

VI. To provide for the issuing of bonds, and for the application of bonds already issued by cities hereafter incorporated, for the purpose of funding any and all indebtedness now existing or hereafter created, of the city, now due or to become due: *Provided*, That said bonds shall be payable in not less than five years and not more than thirty years from the date of their issue, and that the same shall bear interest at a rate not exceeding six per centum per annum, with interest coupons attached, payable annually or semi-annually; and the said bonds shall not be sold or exchanged for less than their par value.

Funding of indebtedness.

Date of payment of bonds.

Rate of interest.

Sale of bonds.

VII. To make provision for a sinking fund to pay at maturity the bonded indebtedness of the city, and to

Sinking fund.

levy and collect taxes on all the taxable property in the city, in addition to all other taxes, for the purpose of paying the same, under and subject to the limitations and requirements of this act and of the Constitution and laws of this Commonwealth.

Streets, alleys, sidewalks, bridges and culverts.

VIII. To lay out, open, widen, straighten, alter, extend or improve any street, avenue, alley, or lane within the city limits, in accordance with the provisions of this act, and keep the same in good order and repair and in safe, passable condition, or to vacate and discontinue the same whenever deemed expedient for the public good, and to make sidewalks and construct and maintain bridges and culverts.

Sewers.

IX. To construct and reconstruct sewers, and to extend the same beyond the city limits, whenever deemed necessary, and for the purpose of such construction or extension, to take and occupy private lands and property, making compensation therefor to the owners thereof as required by law.

Grading, paving and curbing.

X. To cause to be graded, paved or macadamized any public street, lane or alley, or part thereof, which is now or may hereafter be laid out and opened in any of the said cities, and have the same set with curbstone, and to provide for the payment of the cost and expense of the same or any part thereof by the city, or by the owners of real estate bounding and abutting thereon, by an equal assessment on said property in proportion to the number of feet the same fronts on the street, lane or alley, or part thereof to be improved, or in case of grading only, to assess the cost thereof, when not paid by the city, upon the properties benefited according to benefits; but councils shall not order any street, lane or alley, or part thereof, to be paved or macadamized at the cost of the owners whose lands front upon the street, lane or alley, or part thereof to be so improved, except upon the petition of a majority in number of such owners, or upon the petition of the persons owning a majority of the feet front on the street, lane or alley, or part thereof to be improved, unless the ordinance for such improvement shall have been passed by a vote of two-thirds of all the members of each branch of councils, in which case councils may direct the improvement to be made at the cost of the owners without petition: *Provided, however,* That before councils shall order any street or alley, or part thereof, to be paved without a petition therefor, a concurrent resolution shall be passed, by a vote of two-thirds of all the members elected to each branch of councils, and approved by the mayor, declaring the purpose of the city to order a certain street or alley, or part thereof, to be paved at the expense of the abutting property. After the passage of said resolution, the owners of property at whose expense said paving is to be done, shall have sixty days in which to agree in writing upon the kind of pavement to be laid. When a majority of said property

Payment thereof.

Majority in interest must petition for such improvement.

Unless councils order same by two-thirds vote.

Sixty days time for property owners to agree on kind of pavement.

owners shall agree upon the kind of pavement, the agreement shall be submitted to the mayor for approval. If he approves, notice thereof shall be sent to councils; councils may then order said pavement to be laid at the expense of the abutting property, by ordinance, which shall be passed by a vote of two-thirds of all the members elected to each branch thereof. In case the property owners do not agree upon the kind of pavement within sixty days aforesaid, or the mayor shall not approve of the kind of pavement selected by the property owners, then councils may determine the kind of pavement and provide for the same in the ordinance directing the pavement to be laid, which ordinance shall be passed by a two-thirds vote of all the members elected to each branch thereof.

Mayor to approve of same.

After which improvement to be made at expense of property owners.

If property owners fail to agree, councils to determine same.

XI. To require owners of property abutting on any public street, lane or alley, to construct, pave, repave and recurb the sidewalks, and keep the same in good repair along such property, with such materials and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply therewith, upon notice, to authorize the same to be done by the city, and the expense thereof to be levied and collected from such owners, with costs; which amount shall be a lien upon such premises from the time of the commencement of the work, which date shall be fixed by certificate of the city engineer, filed with the clerk, and may be collected by action at law, or such lien may be filed and proceeded in as herein provided in the case of municipal liens.

To require owners to pave.

On failure of owners the city to do same.

Payment therefor

XII. To provide for the payment of the debts and expenses of the city and to appropriate money therefor.

Debts and expenses of city.

XIII. To create any office which they may deem necessary for the good government and interests of the city, and to regulate and prescribe the powers, duties and compensation of all such officers, in accordance with this act; but no ordinance shall be passed increasing or diminishing the salary or compensation of any officer after his election or appointment.

City officers.

Their powers, duties etc.

XIV. To require from all officers and agents of the city, elected or appointed, lawful bonds and security for the faithful performance of their duties; and no officer or agent, required by law or ordinance to give bond as aforesaid, shall be sworn into office or enter upon the duties thereof until such bond shall have been duly approved by the proper authority.

Officers and agents to give bond.

XV. To provide for the removal of officers of the city whose offices are established by ordinance and whose removal is not otherwise herein provided for.

Removal of officers.

XVI. To require the removal of all obstructions from the sidewalks, curbstones, gutters, streets and street crossings, at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person or persons placing the same there; and to regulate the planting and protection of shade trees in the

Care of sidewalks, etc.

Shade trees.

- Excavations. streets, the building of cellar and basement ways and other excavations through or under the sidewalks in said city.
- Regulations as to porches and obstructions of sidewalks. XVII. To make and establish such and so many uniform rules and regulations as to them may seem expedient for the better regulation of porches, porticos, benches, doorsteps, railings, bulk, bay or jut windows, areas, cellar doors and cellar windows, signs and sign posts, boards, poles or frames, awnings, awning posts or other devices or things projecting over, under, into or otherwise occupying the sidewalks, or other portion of any of the streets, lanes or alleys, and in relation to boxes, bales, barrels, hogsheads, crates or articles of merchandise, lumber, coal, wood, ashes, building materials or any other article or thing whatsoever, placed in, or upon, any of the said sidewalks or other portion of said streets, lanes or alleys, and also to prevent and remove all encroachments thereon.
- Railroad bridges and crossings. XVIII. To provide for and require the construction and maintenance of bridges or other crossings, over or under railroad tracks, and to enter into contracts with railroad companies for the construction and maintenance of the same; to require the erection of safety gates and the placing of flagmen at the intersection of railroads with public streets; to forbid the obstruction of the said crossings by locomotives or railroad cars, and also to make reasonable regulations concerning the rate of speed at which locomotives, cars or trains shall pass upon or across the streets within the built-up portions of the city.
- Safety gates. XIX. To establish and maintain night-watch and police and define the duties of the same.
- Rate of speed. XX. To regulate the police of the city and to impose fines, forfeitures and penalties for the violation of any ordinance, and provide for the recovery and collection of the same; and in default of payment to provide for confinement in the city or county prison, or to hard labor upon the streets or elsewhere, for the benefit of the city.
- Night-watch and police. XXI. To provide for the erection or purchase of lock-ups, or watch houses in some convenient part of the city, for the detention and confinement of vagrants and persons arrested by the police officers, until the persons so arrested can be taken before the proper magistrate for hearing, and committed to prison or discharged; but no person shall be detained therein for a longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.
- Fines and penalties. XXII. To erect or purchase, establish and maintain hospitals, prisons, work-houses and houses of correction for juvenile or other offenders, and to prescribe regulations for the government thereof, and also to erect all public buildings necessary for the use of the city or of any department thereof.
- Imprisonment or labor on streets.
- Lock-ups.
- Detention therein limited.
- To erect hospitals, prisons, work-houses, etc.

XXIII. To establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots, depot-grounds and other places of public resort, and for the arrest and commitment of professional thieves.

Police regulation of public squares, parks, depots, etc.

XXIV. To offer rewards for the arrest and conviction of persons guilty of capital or other high crimes within the city; but no policeman shall be entitled to receive any share thereof.

Rewards for arrest of offenders.

XXV. To license and collect a license tax from all skating rinks, operas, theatres, concerts, shows, circuses, menageries and all kinds of public exhibitions for pay, (except those for local, religious, educational or charitable purposes,) to regulate the same and to restrain all exhibitions of indecent or immoral character.

License tax from shows, theatres, etc.

Restrain immoral exhibitions.

XXVI. To regulate the time and place of bathing in the rivers and other public water in and adjoining said city.

Regulate bathing in rivers, etc., adjoining city.

XXVII. To establish stands for coaches, cabs, omnibuses, carriages, wagons and other vehicles for hire, and to enforce the observance and use thereof, and to fix the rates and prices for the transportation of persons and property from one part of the city to another.

Stands for cabs, etc.

Rates of charges..

XXVIII. To restrain, prohibit and suppress tipping shops, houses of prostitution, gambling houses, gaming cock, or dog fighting and other disorderly or unlawful establishments or practices, desecration of the Sabbath day commonly called Sunday, and all kinds of public indecencies.

Suppression of tipping shops, etc.

XXIX. To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city, to regulate, prevent and punish the discharge of fire-arms, rockets, powder, fireworks or any other dangerous combustible material in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to prevent and punish the carrying of concealed deadly weapons; to arrest, fine or set at work on the streets or elsewhere, all vagrants found in said city; to prevent and punish horse-racing, fast driving or riding in the streets, highways, alleys, bridges or places in the city, and all games, practices or amusements therein likely to result in danger or damage to any person or property, and to prevent and punish the riding or driving of horses, mules, oxen, cattle or other teams, or the passage of any vehicle drawn thereby, over, upon or across sidewalks, and to regulate the passing of the same through the public streets.

Prevention of riots etc.

Fire-arms.

Concealed weapons. Vagrants.

Fast driving.

Dangerous amusements.

Driving upon sidewalks.

XXX. To purchase and own grounds for, and to erect and establish market houses and market places; for which latter purpose parts of any street or sidewalk may be temporarily used, and to provide and enforce suitable general market regulations; to contract with any person or persons or association of persons, companies or corporations, for the erection and regulation

Market-houses and market-places.

- of market houses and market places, on such terms and conditions and in such manner as the councils may prescribe, and raise all necessary revenue therefor, as herein provided; and also to levy and collect a license tax from every person or persons who may be authorized by councils to occupy any portion of the streets or sidewalks for temporary public market purposes.
- Market licenses.** XXXI. To regulate the weighing and measuring of every commodity sold in the city in all cases not otherwise provided by law; provide for and regulate the inspection and weighing of hay, grain and coal and the measuring of wood and fuel to be used in the city, and to designate the place or places of the same, and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees for inspection, weighing and measuring as aforesaid, and for the regulation and stamping of weights and measures.
- Weights and measures.** XXXII. To provide for the construction and maintenance of levees and ferries within the city limits; to erect wharves on navigable waters adjacent to the city, regulate the use thereof, collect wharfage and establish wharf and dock lines.
- Designation of places for sale of hay, wood, etc.** XXXIII. To establish and change the channels of water-courses, and to wall and cover them over; to establish, make and regulate public wells, cisterns, aqueducts and reservoirs of water, and to provide for filling the same.
- Fees for weighing, etc.** XXXIV. To purchase, by and with the consent of a majority of the qualified electors, obtained at an election held therefor at a time and place to be fixed by councils, lands and premises for public parks, and to levy and collect such special taxes as may be necessary to pay for the same; and to make appropriations for the improvement and regulations for the government of parks owned or controlled by the city.
- Levees and ferries.** XXXV. To provide for the erection of all needful pens, pounds and buildings within or without the city limits, appoint keepers thereof and to regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs or other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibitions, and the expenses of impounding and keeping the same and of such sale; to regulate and provide for taxing the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance.
- Wharves.** XXXVI. To make regulations to secure the general health of the inhabitants and to remove and prevent nuisances.
- Water courses.** XXXVII. To make all necessary orders and regulations to prevent the introduction of contagious or pestilential diseases into the city; to enact quarantine
- Wells, cisterns, etc.**
- Public parks.**
- Election to be held prior to purchase.**
- Pens, pounds, etc.**
- Impounding cattle, etc.**
- Taxation or destruction of dogs.**
- Public health.**
- Contagious diseases.**
- Quarantine laws.**



laws for that purpose and to enforce the same within five miles of the city limits.

XXXVIII. To purchase fire engines, hooks, ladders, trucks, fire-alarms and other apparatus for the extinction of fires; to organize a fire department with or without pay, to make the necessary appropriations for the maintenance of the same, and to prescribe rules and regulations for the government of the officers and companies belonging thereto, and if a paid department, to provide by ordinance for the election or appointment of the officers and companies belonging thereto.

Fire apparatus.

Fire department.

XXXIX. To regulate the construction and inspection of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges or any apparatus used in any building, manufactory or business, and to order the suppression or cleaning thereof when deemed necessary for the prevention of fires, to regulate or prohibit the manufacture, sale, storage or transportation of inflammable or explosive substances within the city, and to prescribe limits within which no dangerous, obnoxious or offensive business shall be carried on.

Dangerous chimneys, etc.

Explosive substances.

XL. To provide a system for the inspection of buildings to insure their safety and incombustibility, and for the appointment of one or more building inspectors; to prescribe limits within which buildings shall not be constructed or reconstructed, or into or within which the same shall not be removed, except of incombustible materials, with fire-proof roof; and any building erected, reconstructed or removed into, or within such limits, contrary to the provisions of any ordinance forbidding the same shall be a public nuisance and abatable as such.

Construction of buildings.

XLI. To provide for and regulate the lighting of the streets with gas or electric lights, or light by other means, and to require the numbering of houses.

Lighting of streets.

Numbering of houses.

XLII. To have the exclusive right at all times to supply the city with gas or other light, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon; and also to have at all times the unrestricted right to make, erect and maintain the necessary buildings, machinery and apparatus for manufacturing and distributing the same, or, in territory not supplied with light, to make contracts with, and authorize any person company or association so to do, and to give such person, company or association the privilege of supplying gas or other light as aforesaid for any length of time not exceeding ten years.

Exclusive right to supply gas or other light.

Buildings therefor.

Contracts for supply of light.

XLIII. To have the exclusive right at all times to supply the city with water, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon, and for that purpose to have at all times the unrestricted right to make, erect and maintain all proper works, machinery, build-

Exclusive right to supply water.

Water works.

- ings, cisterns, reservoirs, pipes and conduits for the raising, reception, conveyance and distribution of water, or, in territory not supplied with water, to make contracts with, and authorize any person, company or association so to do, and to give such person, company or association the privilege of furnishing water as aforesaid for any length of time not exceeding ten years.
- Contracts for water supply.**
- Foundation and party walls.**
- XLIV. To enter upon the land or lands, lot or lots of any person or persons within the city, at all reasonable hours, by their duly appointed city engineer, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth and thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall or may use or break into said wall.
- How foundation walls to be laid.**
- Expenses to be divided.**
- Partition fences.**
- XLV. To enter upon the land or lands, lot or lots of any person or persons within the city, at all reasonable hours, by their duly appointed city engineer, in order to regulate partition fences; and when adjoining parties shall improve or enclose their lots, such fences shall be made in the manner generally used, and kept in good repair at the equal expense of the parties, unless the owners or occupants between whom such fence is erected shall agree otherwise.
- Ordinances, by-laws, etc., for government of cities.**
- XLVI. To make all such ordinances, by-laws, rules and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be expedient or necessary, in addition to the special powers in this section granted, for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government and welfare of the city, and its trade, commerce and manufactures, and the same to alter, modify and repeal at pleasure; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for the violation thereof, not exceeding one hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment not exceeding thirty days, if the amount of said judgment and costs shall not be paid.
- Penalties.**
- Election of city engineer.**
- XLVII. The councils of each of said cities of the third class shall, in joint convention, on the second Monday of April, or as soon thereafter as practicable, elect, by the vote of a majority of the members chosen to both branches, a competent city engineer, for the term of three years, who shall appoint such assistants as councils shall authorize by ordinance.
- Assistants.**
- Mayor's appointing power.**
- The mayors now in office shall not have power to make appointments given under the provisions of this act, before the first Monday in April next.

## ARTICLE VI.

*The Legislative Department.*

SECTION 1. Members of the select council in cities of the third class shall be at least twenty-five years of age, and members of the common council twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of the districts which they respectively represent one year next before their election, and shall reside therein during their terms of service. Members of the select council shall be elected for the term of four years, and members of the common council for the term of two years. Each of the wards of each of said cities shall have one member of the select council and two members of the common council: *Provided*, That in cities containing fifteen wards or more, the representation in common council shall be one member for each ward, and that in cities containing four wards or less, there shall be elected one select councilman at large. Members of councils shall receive no compensation for their services.

SECTION 2. At the first election held under this act the members of select council from odd numbered wards shall be chosen for two years, and those from even numbered wards shall be chosen for four years; and the members of common council from odd numbered wards shall be chosen for one year, and those from even numbered wards shall be chosen for two years, and thereafter members of the select council shall be chosen for four years, and members of common council for two years respectively. The term of mayors, controllers and treasurers, and all members of councils now in office, in each of said cities, shall cease and determine on the first Monday of April next succeeding the date of the first election held under this act, and their successors shall be chosen as herein provided, on the third Tuesday in February preceding thereto.

SECTION 3. Where members of councils are to be chosen at the same election for different terms, the ballots shall specify the respective terms, and in case of a tie vote between two or more candidates having the highest number of votes for the same office, such candidate shall, in the presence of the branch, determine by lot which of them shall be entitled to hold the same. In all cases of vacancies occurring in any other manner than by the expiration of the term, the member or members elected to fill the same shall serve for the unexpired term of his or their predecessor or predecessors. Special elections to fill vacancies shall be held in the respective wards, in the manner provided by law, upon such date as shall be fixed by the branch in which the same shall occur, of which at least ten days' previous

Qualifications of councilmen.

Their terms.

Number of councilmen.

No compensation.

Election of councilmen.

Terms of mayors, etc., now in office.

Ballots to specify terms.

Tie vote.

Vacancies.

Special elections.

public notice shall be given by the mayor by proclamation.

Councilmen to be sworn.

By mayor or other person authorized.

Contested elections.

Sessions of councils to be public.

Quorum.

Attendance.

Vacation of seats for misbehavior, etc.

Stated meetings.

Special meetings.

Journals.

Voting.

Interested members not to vote.

Ordinances, etc., passed by councils to be presented to mayor for approval.

His action thereon.

Action of councils in case of veto.

SECTION 4. Members of councils shall take the oath hereinbefore prescribed for city officers, which oath shall be administered to the president-elect of each branch by the mayor or some other person authorized by law to administer oaths, and by the president to the members-elect and officers of the respective branch. Each branch shall judge of the qualifications of its members, and contested elections shall be determined by the courts of law, in such manner as shall be directed by law, and each branch may determine the rules of its proceedings, which shall not be inconsistent with any joint rule adopted by the two branches. The sessions of councils shall be public, and a majority of each branch shall constitute a quorum, but a less number may adjourn from time to time and shall have power to compel the attendance of absent members under such regulations and penalties as may be prescribed by ordinance or rule. Each branch shall have power to vacate the seat of any of its members for misbehavior, official misconduct or neglect of duty, and shall thereupon fill such vacancy in the manner prescribed in the preceding section.

SECTION 5. The select and common councils of each of said cities shall hold stated meetings at least once in each month, at such time as may be fixed by ordinance, and either branch may hold special meetings at such other time as the mayor, the president, or any five members may deem proper to call the same, upon twenty-four hours' notice to each member, which notice shall state whether such meeting is to be convened for special or general business.

SECTION 6. Each branch shall keep a journal of its proceedings, which shall be at all times open to public inspection. All voting in either council or in joint convention of both councils, shall be *viva voce* and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journal. Except where he shall be personally or privately interested, no member shall withhold his vote on any measure or question, unless he shall state his reasons therefor to the branch, which may excuse him and enter the reasons upon the journal.

SECTION 7. Every legislative act of the councils shall be by resolution or ordinance, and every ordinance or resolution which shall have passed both branches shall be presented, duly certified, to the mayor for approval. If he approves, he shall sign the same, but if he shall not approve, he shall return it, with his objections, to the branch of councils wherein it originated, which shall thereupon proceed to reconsider it. If upon such reconsideration two-thirds of the members elected to each branch shall pass the said ordinance or resolution, it shall become effective as though the mayor had

signed the same. In all such cases the vote of councils shall be determined by yeas and nays, and the names of the members voting be duly entered upon the journals. Every ordinance or resolution which the mayor shall not return within fifteen days from the date of its presentation to him, as aforesaid, shall become a law as fully and effectively as if he had approved the same. The mayor may disapprove of any item or items of any bill making appropriations, and such item or items shall be void unless repassed according to the rules herein prescribed for the passage of bills over the mayor's veto.

SECTION 8. All ordinances may be proved by the certificate of the city clerk, under the corporate seal, and when printed or published in book or pamphlet form, and purporting to be published by authority of the city, shall be read and received as evidence in all courts and places without further proof. All ordinances shall, unless otherwise provided therein, take effect immediately upon their approval by the mayor, and every ordinance prescribing a penalty for the violation thereof shall be forthwith published at least three times in not more than two newspapers printed and circulated within the city, in such manner as councils may direct. All ordinances shall, within one month after their passage, be certified and recorded by the city clerk in a book provided by the city for that purpose, which shall be at all times open to the inspection of the citizens.

SECTION 9. The fiscal year of each of said cities of the third class shall begin on the first Monday of April in each and every year. The councils shall, at the end of the fiscal year, cause to be published in the month of April or May in not more than two newspapers printed and circulated in said city, a summarized statement of the receipts and expenditures of the city during the preceding year, its present funded and floating indebtedness and the date of maturity of the funded debt, a schedule of its assets, with the character and value thereof, and the amount of the taxable property therein.

SECTION 10. The several departments of the city government shall, before the commencement of the fiscal year, present to councils an estimate of the probable receipts and expenditures, and of the amount required by each of said departments for the public service during the ensuing year, and councils shall then proceed to make the annual appropriations thereto. No appropriation shall be made for any purpose until the interest accruing on the funded debt of the city, and the principal of such part of said debt as may be coming due, the salaries of officers and the ordinary and necessary expenses of the city shall first be provided for. When all appropriations for the expenditures for the ensuing year shall be finally made, the councils shall fix the tax rate at such figure as with all sources

Vote to be by yeas and nays and recorded.

When mayor must return bills.

Items of appropriation bills may be vetoed.

Proof of publication of ordinances.

When they shall take effect.

To be certified and recorded.

Fiscal year.

Financial statement to be published annually.

Estimates of receipts and expenditures.

Appropriations.

Tax rate.

Appropriations in excess of receipts prohibited.

Joint sessions of councils.

Quorum.

of revenue will fully meet and cover the aggregate amount of such appropriations; and no appropriation shall be made for any purpose in excess of the estimated receipts for the current fiscal year.

SECTION 11. Councils may, by concurrent resolution, meet in joint session for the transaction of general business, except the passage of ordinances. No joint session shall be valid unless a quorum of each branch be present, and when the yeas and nays are demanded by any member, the votes of a majority of each branch shall be necessary to the decision of any question.

## ARTICLE VII.

### *The Executive Department.*

Election and qualifications of mayor.

Term.

His powers and duties.

As to preserving the peace.

Appointment of additional policemen.

Supervision of the conduct of city officials.

Investigation, etc., of complaints against them.

Information from heads of departments.

SECTION 1. The mayor of each of said cities of the third class shall be at least twenty-five years of age, and shall have been a citizen and inhabitant of the State four years and an inhabitant of the city for one year next before his election. He shall be chosen at the municipal election to serve for the term of three years, and until his successor is duly elected and qualified, and shall not be eligible to re-election for the next succeeding term. He shall be the chief executive magistrate of the city, and it shall be his duty to be vigilant and active in causing the ordinances and the laws of the Commonwealth relating to the government of the city to be executed and enforced therein, and in order to enable him effectually to preserve the public peace within the city, all the powers which are devolved by the laws of this State upon sheriffs to prevent and suppress mobs, riots and tumultuous assemblies are hereby conferred upon him; and he shall have authority upon occasions of threatened public disorder to require and enforce the closing up of bars, or any establishments in which liquors are sold, during the continuance thereof. He shall also have authority upon such occasions to appoint supernumerary policemen to serve for such period as he may designate, not exceeding ten days, whose compensation shall be fixed by ordinance of councils.

SECTION 2. The mayor shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints against any of them, and cause all of their violation or neglect of duty to be promptly punished, or reported to the proper tribunal for correction, and for the purpose aforesaid he is hereby empowered to issue subpoenas and compulsory process under his official seal for the attendance of such persons, and the production of such books and papers as he may deem necessary. He shall have authority at all times to call upon any of the officials of the city or heads of departments for such information as to the affairs under their control and management as he may require, and may call special meetings of councils to consider any matters which he may think proper to lay before them.

He shall communicate to councils at their first stated meeting in January of each year, and from time to time, as he may deem expedient, a statement of the condition and affairs of the city in respect to its government, finances and improvements, together with suggestions and recommendations of all such measures as he may deem conducive to the interests and welfare thereof.

Annual message.

SECTION 3. The mayor shall have the criminal jurisdiction of an alderman within the city, and shall have no civil jurisdiction except in relation to actions for fines, penalties or forfeitures imposed by virtue of the ordinances of the city, or the laws of this Commonwealth relating thereto. He shall have the power of committing magistrate under the acts of Assembly relating to tramps and vagrants, and shall, in addition, have authority to commit to any city or county prison for a term not exceeding thirty days any dissolute or disorderly persons, in default of payment of such fines or penalties as may be fixed by ordinance, with cost of arrest. He shall be empowered to take acknowledgments of any instruments in writing, solemnize marriages and administer oaths and affirmations, and shall attest all his act with his official seal. He shall keep a docket and shall enter therein all actions and proceedings had before him, and the said docket with the entries therein and duly certified transcripts thereof, shall be received in evidence in the same manner and with like effect as the docket entries and transcripts of aldermen are by law admissible for similar purposes. He shall charge and receive for all official services the same fees and costs as pertain by law to the aldermen of the city for similar services, but shall pay over the same into the city treasury monthly, according to a statement thereof verified by oath or affirmation before the controller and filed with him. The mayor shall receive a fixed annual salary to be provided by ordinance.

Criminal jurisdiction.

Powers of a committing magistrate.

May take acknowledgments and administer oaths.

Shall keep a docket.

Fees of officers to be paid into city treasury.

Annual salary.

SECTION 4. The council shall fix by ordinance the number, rank and compensation of the members of the city police force, and prescribe all necessary rules and regulations for the organization and government thereof, in accordance with this act, and it shall be a misdemeanor in office for any policeman to ask, demand or receive any other compensation or reward whatsoever for his official services, to be followed by dismissal from office. The mayor shall nominate, and by and with the advice and consent of the select council appoint, suspend or dismiss the said policemen, any or all of them, and in like manner all vacancies shall be filled. He shall designate a member of the force to be chief thereof, who shall be the principal executive officer of the department subject to his direction.

Councils to fix number, rank and compensation of policemen.

Asking or demanding extra compensation a misdemeanor

Appointment of policemen.

Chief of police.

SECTION 5. Policeman shall be *ex-officio* constables of the city, and shall and may without warrant and upon view arrest and commit for hearing any and all persons

Powers and duties of policemen.

guilty of breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens. They shall have authority to serve and execute all criminal process, or process for the violation of the city ordinances which may be issued by the mayor or any alderman, and shall charge the same fees and costs as pertain by law to the constables of city for similar services, but the said fees and costs shall be received and collected by the mayor and by him paid into the city treasury monthly as hereinbefore provided. Policemen shall obey the orders of the mayor and make report to him, which report shall be laid by him before councils whenever required. The mayor shall exercise a constant supervision and control over their conduct, and hear and determine all complaints against them in the discharge of their duties, and he shall be required to remove from office any member or officer of the police force upon a resolution to that effect passed by two-thirds of both branches of councils.

Fees for services rendered by them to be paid into the treasury.

To obey orders, etc., of mayor.

Appointment and removal of subordinate officers.

Excepting the city clerk and clerks of departments and councils.

Annual municipal elections to be proclaimed.

Vacancy in the office of mayor.

SECTION 6. The mayor shall nominate, and by and with the advice and consent of the select council appoint all subordinate officers of the city whose offices are created by ordinance, excepting the city clerk and the clerks of the different branches of councils or other departments of the city government, which clerks shall be appointed by such branches or departments respectively, and such other officers authorized to be otherwise appointed or elected under the provisions of this act, and he may remove from office any such officers appointed by the mayor, for inability, official misconduct or neglect of duty, and in like manner all vacancies which may occur during the terms of such officers shall be filled. The mayor shall issue his proclamation to the qualified electors of the city at least ten days before the annual municipal election, stating therein the officers to be voted for at such election.

SECTION 7. In case of a vacancy occurring in the office of mayor by death, resignation, removal or otherwise, a successor shall be elected for the unexpired term at the municipal election occurring at least one month after the happening of such vacancy, and the election, the city councils shall, in joint convention, by the vote of a majority of all the members elected, appoint some qualified according to law. In case of the temporary inability of the mayor to act the councils may, in the manner aforesaid appoint a person to act in his place until the mayor shall be able to resume the duties of his office.

All actions, etc., to be in name of the city.

SECTION 8. All action, prosecution, complaints and proceeding for the violation of the ordinances of the city, and for fines, penalties and forfeitures imposed



thereby, shall be instituted in the corporate name of the city, and be conducted in the manner prescribed by law. Proceedings for the violation of the city ordinances may be commenced by warrant or summons, at the discretion of the mayor or alderman before whom complaint is made, but no warrant shall be issued except upon complaint, upon oath or affirmation, specifying the ordinance for the violation of which the same is issued; and all process shall be directed to, and served by any policeman or constable of the city, who shall execute the same anywhere within the city, or in the county of which it is part, or elsewhere, as may be provided by law. Warrants shall be returnable forthwith, and every summons shall be returnable in not less than five, nor more than eight days from the date thereof, and upon such return the like proceeding shall be had in all cases as are may be directed by law in relation to summary conviction or proceeding for the recovery of penalties before justices of the peace, with the same right of appeal from any final judgment entered therein. All fines and penalties for the violation of the city ordinances shall be paid over by the magistrate before whom the same are recovered, into the city treasury.

Proceedings for violations of ordinances.

When warrants and summons are returnable.

Fines, etc.

#### ARTICLE VIII.

SECTION 1. The treasurer of each of said cities of the third class shall be elected by the qualified voters at the municipal election, and shall hold his office for the term of three years and until his successor is duly elected and qualified. The city treasurer shall be a competent accountant, and shall have been a resident of the city and an elector thereof, for at least three years previous to his election. He shall give a lawful bond to the city, with two or more sufficient sureties, to be approved by council, in such sum as they may by ordinance direct, conditioned for the honest and faithful discharge of his official duties, and the safe keeping and payment over of all public moneys entrusted to his care. He shall receive a fixed annual salary, to be provided by ordinance.

Election and term of city treasurer.

Qualifications.

Bond.

Salary.

SECTION 2. The city treasurer shall demand and receive all moneys payable to the city, from whatever source, and shall pay all warrants duly countersigned by the city controller. His accounts shall be kept in such manner as to clearly exhibit all the items of receipts and expenditures of the city, the sources from whence the moneys are received, and the objects for which the same are disbursed, and he shall keep separate and distinct accounts of the receipts and expenditures of the city, the sinking fund, and the water and lighting department respectively, and also of every special fund which may come into his hands. No

Receipts and expenditure of public moneys.

Accounts, how kept.

No payments without appropriation.

Financial depositories.

Cash account to be verified.

Suspension of city treasurer.

Delivery of city property, etc., at end of term.

Vacancy.

money shall be paid out of the city treasury unless the same shall have been previously appropriated by councils to the purpose for which it is to be drawn, which shall be explicitly mentioned in the warrant therefor. The treasurer shall keep the public funds in such banks or financial depositories as councils may direct, and shall verify his cash accounts monthly, or whenever required, to the satisfaction of a standing committee of councils and city controller, and upon the affidavit of a majority of such committee or of the controllers, to any default therein, he may be suspended from office, and another treasurer appointed, as councils may determine.

SECTION 3. The city treasurer and every other officer of the city receiving or having in his possession any money, accounts, property or effects belonging to the corporation, shall, upon the termination of his office, deliver over the same to the city, or to his duly qualified successor. Any vacancy in the office of city treasurer shall be filled by the vote of a majority of the members elected to councils, in joint convention, and the person so chosen to fill the same shall serve until the first Monday of April succeeding the municipal election occurring at least one month after the happening of such vacancy, at which election a successor shall be elected for the unexpired term.

ARTICLE IX.

*The City Controller.*

Election of city controller.

Qualifications.

Term.

To superintend fiscal concerns of city.

And audit and settle accounts.

Authorized to administer oaths.

Books of accounts.

Contents.

SECTION 1. The qualified electors of each of said cities of the third class shall elect, at the municipal election, a city controller, who shall possess the qualifications herein prescribed for the city treasurer, and shall serve for the term of three years, and until his successor is duly elected and qualified. He shall superintend the fiscal concerns of the city and shall manage the same in the manner required by the laws of this State, and the ordinances and resolutions of the city councils in accordance therewith. He shall examine, audit and settle all accounts whatsoever in which the city is concerned, either as debtor or creditor, where provision for the settlement thereof is made by law; and where no such provision, or an insufficient provision has been made, he shall examine such accounts and report to the city councils the facts relating thereto, with his opinion thereon. He shall have authority to administer oaths or affirmations in relation to any matter touching the authentication of every account with or claim or demand against the city, but shall not be entitled to receive any fee therefor.

SECTION 2. The city controller shall keep a regular set of books, in which shall be opened and kept as many accounts under appropriate titles as may be necessary to show separately and distinctly all the estates and

property whatsoever real and personal, vested in the city, all trusts in the care of the same, all debts due to and owing by the city, all the receipts and expenditures of the various departments of the city government, and all appropriations made by councils, and the sums under the same respectively.

SECTION 3. He shall have the supervision and control of the accounts of all departments, bureaus and officers of the city who shall collect, receive or disburse the public moneys, or who are charged with the management or custody thereof, shall audit their respective accounts, and may at any time require from any or all of them a statement in writing of any and all moneys or property of the city in their hands, or under their control; and he shall, immediately upon the discovery of any default, irregularity or delinquency, report the same to the city councils. He shall likewise audit and report upon the accounts of any such officer upon the death, resignation, removal or expiration of the term of the said officer.

Supervision of accounts of all departments.

Audit accounts.

SECTION 4. He shall countersign all warrants upon the city treasurer, the form whereof shall be prescribed by councils, and shall not suffer any appropriation made by the city councils to be overdrawn; but no warrant shall be countersigned unless there is money in the treasury to pay the same. In every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report the fact to the city councils, and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they were drawn. Whenever a warrant on the treasurer shall be presented to him to be countersigned, the person presenting the same shall, if the controller require, produce evidence:

Countersigning of warrants.

Exhaustion of appropriation to be reported to councils.

Evidence may be required before warrants are signed

1. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

2. That the supplies or the services for payment of which the warrant is drawn have been furnished or performed according to law and the terms of the contract.

SECTION 5. Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item and so certified by the controller on the contract before it shall take effect as a contract, and the payments required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made therefor, the city shall not be liable for such excess, but the controller and his sureties shall be liable for the same; which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the controller to certify contracts for the payment of which sufficient appropriations have been made.

Certain contracts to designate item of appropriation on which founded, etc.

Payments thereon.

Liability of controller and his sureties.

His duty as to certifying contracts for payment.

Suggestion of plans, etc.	SECTION 6. The city controller shall, from time to time, and as often as he may deem expedient, or the city councils shall direct, suggest plans to the councils for the management and improvement of the city finances, and he shall make a report, verified by oath or affirmation, to the city councils at a stated meeting in January in each year, of the public accounts of the city and of the trusts in its care, exhibiting all the expenditures thereof respectively, the sources from which the revenue and funds are derived and in what manner the same have been disbursed; each account to be accompanied by a statement in detail of the several appropriations made by councils, the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation.
Annual report.	
Contents of report.	
Vacancies.	SECTION 7. Any vacancy in the office of city controller shall be filled by the vote of a majority of the members elected to councils, in joint convention; and the person so chosen to fill the same shall serve until the first Monday of April succeeding the municipal election occurring at least one month after the happening of such vacancy, at which election a successor shall be elected for the unexpired term. The city controller shall give a lawful bond to the city, with two or more sufficient sureties, be approved by councils in such sum as they may by ordinance direct, conditioned for the faithful discharge of his official duties, and shall receive a fixed annual salary, to be provided by ordinance.
Bond.	
Salary.	

## ARTICLE X.

*The City Solicitor.*

Election of city solicitor.	SECTION 1. The councils of each of said cities of the third class shall, in joint convention, on the second Monday of April, or as soon thereafter as practicable, elect, by the vote of a majority of the members chosen to both branches, one person learned in the law and qualified to practice in the Supreme Court of this Commonwealth, who shall be styled the city solicitor, and shall serve for the term of two years from the first Monday of May succeeding his election, and until his successor shall be duly qualified. Vacancies in said office shall be filled by councils for the unexpired term. He shall give a lawful bond to the corporation with two or more sufficient sureties, to be approved by councils, in such sum as they shall by ordinance direct, conditioned for the faithful performance of his official duties as the same are or may be defined by law or ordinance.
Qualifications.	
Term.	
Vacancies.	
Bond.	
Supervision of all legal matters.	SECTION 2. The law matters of the city shall be under the superintendence, direction and control of the city solicitor, and no department of the city shall employ or retain any additional counsel in any matter or cause, except with the previous assent of councils. He shall keep his office within the city, and there shall be deposited and preserved therein all patents, deeds, leases,
His office to be the depository of the deeds, etc., belong- ing to the city.	

mortgages and other assurances of title, and all contracts, bonds, books and other evidences of debt belonging to the city, unless the councils shall otherwise provide or direct.

SECTION 3. The city solicitor shall prepare all bonds, obligations, contracts, leases, conveyances and assurances to which the city or any department thereof may be a party, as may be directed by resolution or ordinance; shall commence and prosecute all and every suit or suits, action or actions, brought by the corporations for or on account of any of the estates, rights, trusts, privileges, claims or demands of the same, as well as defend all actions or suits against the said corporation or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances or acts of the corporation, or any department thereof, may be brought in question before any court in this Commonwealth; and shall do all and every professional act incident to the office which he may be lawfully authorized or required to do by the mayor, or by any ordinance or resolution of the said councils. He shall, whenever required, furnish the councils, the committees thereof, the mayor or the heads of departments, with his opinion in writing upon any question of law which may be submitted by either of them in their official capacities.

Duties of city solicitor.

To give written opinions.

SECTION 4. There shall be kept in the office of the city solicitor a city lien-docket, which shall be open to public inspection, and in which he shall cause to be entered all claims for curbing, paving or re-paving sidewalks, assessments of damages, and contributions for opening public streets, lanes and alleys, or parts thereof, for grading, paving and macadamizing the same, for water and lighting frontage tax, and water and lighting rates, sewerage, city taxes and other matters that may be the subject of claim on the part of the city, which have been or shall be returned to the solicitor as remaining due and unpaid after the period prescribed by law or ordinance for the payment of such claims; and it shall be the duty of the head of each department wherein any such claim shall originate, to furnish to the city solicitor within the period prescribed by law or ordinance, a statement of all claims for curbing, paving, *et cetera*, which remain due or unpaid, a certified copy of which the said heads of departments shall at the same furnish to the city controller. Upon payment of any lien or other debt of record due the city, to any person authorized to receive the same, it shall be the duty of the city solicitor forthwith to enter satisfaction thereon.

To keep a city lien docket.

Entries therein.

Duties of the heads of departments in relation thereto.

Satisfaction to be entered on payment of lien.

SECTION 5. The city solicitor shall, at least once in every month, make a return to the city controller, under oath or affirmation, of each item of moneys received by or through him or his assistants, by virtue of his office or on account of any matters connected therewith, and immediately upon making such return he shall pay

Monthly returns of moneys received.

over the amount in his hands to the city treasurer. He shall in like manner pay into the city treasury all fees received by him in his official capacity, but this provision shall not be taken to include the judgment fee allowed him in his capacity of attorney under any act of Assembly of this Commonwealth. He shall receive a fixed annual salary to be provided by ordinance.

Also of fees received.

Salary.

ARTICLE XI.

*Board of Health.*

Board of health may be created.

SECTION 1. The councils of any city of the third class may, by ordinance, create a board of health as herein provided, with the powers and duties herein enumerated.

To consist of five members.

Qualifications.

Districts to be formed.

Mayor to appoint with consent of councils.

Removals.

Vacancies.

Term of appointees.

Regular term.

Members to be sworn.

To organize annually.

Secretary and his duties.

Health officer and his duties.

Salaries.

Bonds.

Fees to be paid into city treasury.

SECTION 2. The said board shall consist of five members, who shall serve without compensation, and none of whom shall be members of councils. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by councils, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. The mayor shall nominate, and by and with the consent of the select council appoint the members of said board, and shall in like manner remove any or all of them for official misconduct or neglect of duty, and fill all vacancies for the unexpired term. At the first appointment the mayor shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years and one to serve for five years, and thereafter one member of said board shall be appointed annually to serve for the term of five years.

SECTION 3. The members of the board shall severally take and subscribe the oath herein prescribed for city officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, not of their body, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the city. The secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices during the pleasure of the board. They shall severally give bond to the city in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe the oath required of members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the city treasury monthly, together with all penalties which shall be

recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.

President and Secretary authorized to administer oaths.

SECTION 4. The said board of health shall have power and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste and soil pipes and cess-pools, and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease, within the city, to establish one or more hospitals and to make provision and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases, in the manner directed by the said board.

Powers and duties as to infectious diseases.

May establish hospitals.

Physicians and sanitary agents.

Duties of all practicing physicians.

SECTION 5. The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants and workmen, under and by order of the said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisances issued to the said health officer by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the manner herein provided.

Abatement of nuisances.

Costs and expenses.

SECTION 6. The said board of health shall have power to create and maintain a complete and accurate system for the registration of all marriages, births and deaths, which may occur within the city, and to compel obedi-

Registration of marriages, births and deaths.

Rules and regulations.

Penalties, etc., recovered to be paid into treasury.

Estimates of probable receipts and expenditures.

Appropriations.

Annual report.

Contents thereof.

Copies for State Board of Health.

ence to the same upon the part of all physicians and other medical practitioners, clergyman, magistrates, undertakers, sextons and all other persons from whom information for such purposes may properly be required. The board shall make, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the mayor, shall have the force of ordinances of the city, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the city, in the same manner as penalties for the violation of city ordinances, subject to the like limitation as to the amount thereof.

SECTION 7. It shall be the duty of the board of health to submit annually to councils before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and councils shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestions relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in their official journal. It shall also be the duty of the board to communicate to the State Board of Health copies of all its reports and publications, together with such sanitary information as may from time to time be required by said State Board.

## ARTICLE XII.

### *Water and Lighting Department.*

Purchase of property and franchises of water, gas or electric light companies.

Power to take streams and lands.

May enter upon lands and take materials.

SECTION 1. The councils of any city of the third class are hereby authorized and empowered to purchase, for such price as may be agreed upon by the councils of the city and a majority of the stockholders of the company, all the real, personal and mixed estate of any water, gas or electric light company or companies in such city, or adjacent thereto, and thereupon the said city shall possess and exercise all the rights, powers, privileges and franchises by law belonging or pertaining to such company or companies, and may take and appropriate any stream or streams of water, spring or springs, lands, tenements, hereditaments, property and materials, near or accessible to such city, which may be necessary for the erection and maintenance of water, gas or electric light works, and for the supplying of said city with water or light, and may enter into and upon any lands, inclosures, streets or highways to procure materials for the construction of said works,



doing as little damage as possible to property, and making compensation to the owner or owners of all species of property taken, appropriated or injured by them for the purposes aforesaid, as herein provided; but the powers granted by this section shall not be exercised by councils until authority so to do shall have been given them by a majority of the voters of such city, at a special election held for that purpose, of which election the mayor shall give notice as provided for municipal elections.

Compensation.

Powers granted in this section to be exercised only after an election thereon.

SECTION 2. Any city which now has the title to any water, gas or electric light works, by conveyance to the same in its corporate name, or which may hereafter erect or purchase water, gas or electric light works under the provisions of this act, are hereby empowered to create a department to be called the water and lighting department, and for the organization and government of the same the councils are hereby authorized and empowered to divide the city into three districts for the election of a board of commissioners, which districts shall be numbered one, two and three; one commissioner to be chosen from each respective district, of which he shall be a resident at the time of his election, and no member of councils, or person holding any city office, shall be eligible as a member of said board.

Water and lightin.; departments to be established.

Districts to be formed.

Commissioners to be elected.

SECTION 3. The councils of such city creating such department as aforesaid, may on the second Monday of April, or within thirty days thereafter, in joint convention, elect one person from each of said districts, as a member of the board of commissioners of the water and lighting department; and at the first election each member of councils shall vote for but two commissioners, and the three persons, being one from each of said districts, having the highest number of votes shall be declared elected. The commissioners so elected shall serve for the term of one, two and three years respectively, to be computed from the date of election, and until their successors are duly elected and qualified. The term of each shall be determined by lot at the first meeting of the board, and thereafter on the second Monday of April of each year, or within thirty days thereafter, the councils shall, in joint convention, elect one commissioner to serve for the term of three years.

Election of commissioners.

Term of service.

Regular term.

SECTION 4. The members of the board of commissioners created as aforesaid, shall receive such compensation for their services as may be provided by ordinance. Before entering upon their respective duties they shall take and subscribe the oath herein prescribed for city officers, and they shall be removable by councils for misdemeanor in office or neglect of duty; and all vacancies occurring in the board shall be filled by councils for the unexpired term.

Compensation.

To be sworn.

Removals.

SECTION 5. It shall be the duty of the board to take charge of the water and lighting department so created as aforesaid, and by their sole authority to employ and

Their powers and duties.

Superintendent.  
Clerk, his duties and  
compensation.

Supervision of  
works.

Estimates of im-  
provements.

Suggestions as to  
improvements.

No improvements  
without consent of  
councils.

Duties as to exten-  
sion of works.

Rate per foot to be  
charged against  
owners of houses,  
etc., on each side of  
the street.

Extensions may be  
made at cost of city.

Collection of front-  
age water and light  
tax.

Expense of laying  
pipes in streets.

dismiss at pleasure a superintendent and a clerk, who shall be secretary of the board, whose compensation shall be fixed by councils, and to employ such laborers, mechanics and workmen as they may deem necessary for the economical and efficient administration of said department. They shall purchase such materials and supplies as may be required for keeping the works in good repair, and have charge and control of all constructions, repairs, enlargements and extensions of the works, and shall conduct and manage the affairs and business of the department in accordance with law and the directions of the city councils.

SECTION 6. The said board of commissioners so created shall, whenever called upon by councils, make and submit to them full estimates of the cost, charges and expenses of any new work, enlargement, extension of water or lighting supply, or alteration which councils may contemplate making relative to said works; and said board may, at any time submit to councils any suggestions and estimates they may see proper to make touching the improvement, extension or enlargement of said works, but no new construction, re-construction, extension, supply of water or light, or enlargement of said works shall be undertaken by said commissioners so created, or materials or supplies be purchased therefor, without the previous consent and direction of councils.

SECTION 7. Whenever an extension of a supply of water or light to portions of the city not previously supplied shall be made by the said commissioners so created, they shall make out a full statement of the number of feet of main pipes laid or extended through any of the streets of the city in which main pipes were not laid before the said extension, and shall file the same in the department; and it shall be the duty of the clerk of said department, forthwith, on receipt of said statement to make out a list of all owners of houses, lots and buildings on each side of the street through which said pipes are extended, and to charge said owners, and each of them, for each and every house, lot or building so situated in said streets, at such rate per foot as the city councils may by ordinance fix, for said mains extending along the front of their respective houses, lots and buildings: *Provided*, That nothing herein contained shall be construed to prevent the councils from providing for the payment of water and gas pipes by the city.

SECTION 8. Said charge shall be called the frontage water tax, or lighting tax, as the case may be, and shall be collected and recovered in the manner provided by this act for the recovery of municipal claims. And whenever any pipes for the conveyance of water or light shall be laid in any of the streets or highways within such city, the owners of the ground in front of which the same shall be laid shall pay for the expense thereof such sum for each foot of the front of their

ground upon such street as the city councils may by ordinance direct: *Provided*, That in all corner lots an allowance shall be made of one-third ( $\frac{1}{3}$ ) the length of their front, but such allowance shall be always and only on the street or highway having the longest front and in case both fronts are of equal dimensions, the allowance shall be made in the street in which the pipes shall be last laid, but in no case shall the allowance exceed sixty (60) feet on any corner lot: *And provided further*, That when a corner lot shall have erected upon it two or more separate tenements, there shall only be an allowance made equal to one-third ( $\frac{1}{3}$ ) of the depth of the corner tenement and the yard adjoining: *And provided also*, That the provisions of this and the foregoing section shall not apply to any lot or piece of ground in such city upon which there may be a supply of water or gas obtained from any other source whatever; but if at any time the owner of such lot or piece of ground shall desire to obtain a supply of water or gas from the works of such city, then and in that case, the provisions of this section shall first be complied with.

Allowance to owner of corner lots.

Not to apply to owners of certain lots.

SECTION 9. The said commissioners so created shall have power by and with the approval of councils to fix the water and lighting rates, and the quantity to be used, and for that purpose they shall, on the first Monday of March in each year, establish the rates for the succeeding 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 the year, but if not approved, the existing rates shall continue until modified by the commissioners, with the approval of councils.

Water and lighting rates, how fixed.

Not to be changed during the year.

SECTION 10. The city councils shall provide by ordinance for the collection of all the lighting and water rates that may accrue from time to time, to the said city, for the use of the water or light, fixing the time when such rates shall be payable, and the penalties for non-payment thereof; and such rates shall be charged to the respective owners of the real estate on which such water or light is used, and if the same shall not be paid in accordance with the provisions of such ordinance, claims for the amounts due shall be registered in the city lien docket in the same manner as is herein provided in the case of unpaid city taxes on real estate, with the like force and effect as to the lien thereof.

Collection of water and lighting rates.

To be charged to owners of real estate.

On default of payment lien to be entered.

SECTION 11. The said commissioners created as aforesaid shall, annually, at a stated meeting of councils in the month of January, report to said 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 said works. The treasurer of the city shall keep his accounts in such manner as to show in his monthly report, distinctly and separately, the en-

Annual statement of costs of repairs, etc.

Accounts, how kept.

Application of revenue. tire amount of revenue realized during each month from the water and lighting departments of said city respectively; and the revenues derived from the said water and lighting departments shall be applied exclusively to the purposes of said departments respectively and the surplus, if any, to the reduction of the debt thereof.

Ordinances, etc., to carry into effect these provisions.

Fines and penalties may be imposed.

SECTION 12. The city councils shall pass such ordinances, rules and regulations as may be necessary for carrying into effect the provisions of this article, not inconsistent with this act, and may impose fines and penalties for the violation of such ordinances, rules and regulations, recoverable in the manner hereinbefore provided for the recovery of fines and penalties for the violation of other city ordinances, and subject to the like limitation as to the amount thereof.

### ARTICLE XIII.

#### *Sewerage.*

Sewerage districts.

Estimates by city engineer.

Main and local sewerage.

Councils may order construction and provide for payment.

Assessment on property abutting thereon.

Lateral sewers.

SECTION 1. The councils of any city of the third class may provide by ordinance for the division of said city into sewer districts, and may direct the city engineer to make an estimate of the cost and expense of constructing any main sewer, or re-constructing the same, and to report to councils what portion of said cost and expense is required for main sewerage, and what portion of the same is required for local sewerage, for any lots or lands to which any portion of such main sewer to be designated by councils, shall serve for local sewerage, and it shall be lawful for the city councils to cause sewers of all kinds to be constructed or re-constructed without petition therefor from the property owners, and to provide for the payment of such sewers from the general revenues of the city, or by assessing the cost thereof as follows, namely: In the case of main sewers, such proportion of the cost and expense of the same as is required for local sewerage shall be assessed upon the property abutting thereon, by an equal assessment by the foot front, or according to the assessed valuation of such property for purposes of city taxation, or in proportion to benefits upon lots or lands benefited by such local sewerage, as councils shall in each case determine, and the cost of such main sewer, over and above the portion thereof assessed for local sewerage, as above provided, shall be assessed upon the lots or lands within the sewer district where the work is to be done, according to the valuation of such lots or lands for city purposes, or according to benefits, or paid from the general revenues as councils may in each case determine. The cost of lateral sewers shall be assessed upon the lots or lands along or through which such lateral sewers run, according to the valuation of such lots or lands as aforesaid, or in proportion to benefits upon lots or lands benefited, or by an equal assessment by the

foot front upon the lands along or through which such sewers run, as councils may determine.

SECTION 2. If councils determine to make an assessment for main, local or lateral sewerage according to benefits, they shall appoint three disinterested citizens as viewers, who, or a majority of whom, shall assess the estimated expenses, as reported by the city engineer, of such main sewerage, on all the lots or lands in the sewer district wherein the sewer is to be constructed or re-constructed, in proportion to benefits, and the estimated expenses, as reported by said engineer, of such local or lateral sewerage on such lots or lands as will, in their opinion, be benefited thereby, whether fronting on the ground in which the sewer is to be constructed or re-constructed or not, in proportion as nearly as may be to the benefits which may result to each lot or parcel of land.

Sewerage assessments, how made.

SECTION 3. Said viewers, or a majority of them, shall make report in writing specifying the amount assessed by them upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the councils shall direct. After the report is filed, councils shall cause not less than ten days' public notice to be given in two newspapers of the city, if so many be published therein, of the object of such assessments, and that the same will come before them for confirmation at a time to be specified in said notice. Objections to the assessment shall be in writing and be filed with the city clerk, and may be heard before the city councils in joint convention at the time specified in the notice. Councils may, after hearing objections, modify, set aside or confirm said assessments. If councils set aside the first or any other assessment, they may appoint other viewers of the same qualifications as hereinbefore provided, and cause new assessments to be made, and the proceedings shall be the same as herein directed in case of the first assessment.

Report to be filed by assessors.

Notice of the filing of said report.

Objections to said report.

Assessments modified.

Re-assessment.

SECTION 4. After making assessments for sewerage of any kind, councils may direct that they be certified to the city treasurer, or to such party as said assessments may be assigned to for collection; and if such assessments be not paid within such time as councils may by ordinance prescribe, it shall be lawful to file liens therefor in the prothonotary's office of the proper county, as provided by this act, and said liens shall bear interest from the time the assessments were payable, at the rate of six per centum per annum until paid.

Collection of such assessments.

Upon default lien to be entered.

Interest thereon.

SECTION 5. The city councils may provide by ordinance for the construction in any street or public highway within such city of all proper house connections and branches leading into main or lateral sewers, or connecting with gas, water, steam, or other pipes in said streets or highways which they may deem necessary: *Provided*, That in no case, except as a sanitary

Branch sewers and house connections.

Extent thereof.

measure, of which councils shall judge, shall they require such house connections to be extended further from such sewers or from such gas, water, steam, or other pipes than to the inner line of the curbstone of such street or highway. Councils may provide for the assessment of the cost and expense of such connections upon the lots or parcels of lands for the accommodation of which such connecting branches and pipes may be constructed, or may collect the same from the owner or owners of such lot or lots, or parcels of land, by action at law, or from the persons or corporations owning or operating such gas, water, steam, or other pipes. Councils may also notify such owners to make such connections within such time as they may direct, and in default of compliance with such notice cause the said connections to be made, and collect the cost thereof from the parties owning or operating such gas, water, steam, or other pipes with interest.

Costs and expenses thereof.

When councils may cause connections to be made.

#### ARTICLE XIV.

##### *Exercise of Right of Eminent Domain—Assessment of Damages and Benefits.*

Assessment of damages for public improvements.

If compensation cannot be agreed on.

Viewers.

Notice of the meeting of viewers.

SECTION 1. Any city of the third class shall have power, whenever it shall be deemed necessary either in the laying out, opening, widening, extending or grading of streets, lanes or alleys, or in the erection or construction of water, gas or electric light works, slopes, embankments or sewers, or in the changing of water courses, or for any other purpose, authorized by this act to take, use, occupy or injure private lands, property or materials; and in case the compensation for the damages done or the benefits accruing therefrom have not been agreed upon, the court of common pleas of the proper county, or any law judge thereof in vacation, on application thereto by petition by said city, or by any person interested, shall appoint three discreet and disinterested freeholders of the said city as viewers, to view and ascertain the damages done, and the benefits which have accrued, by reason of the said taking, use, occupancy or injury, and shall appoint a time, not less than twenty nor more than thirty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained, or the property taken, or on the line of said street or sewer improvement, as the case may be, of which time and place ten days' notice shall be given by the petitioners to the said viewers and to all parties interested, by personal service upon the parties, their agents, attorneys or legal representatives, by publication in one or more newspapers, or by handbills posted upon the premises or otherwise, as the said court shall direct, having regard to the circumstances of each case.

SECTION 2. The said viewers or any two of them, having been duly sworn or affirmed faithfully, justly

and impartially to decide and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire, in pursuance of the provisions of this act, and having viewed the premises, or examined the property or materials, shall estimate and determine the quantity, quality and value of said lands so taken, occupied or injured, or to be taken, occupied or injured, or the property and materials so used or taken away, as the case may be, and having a due regard to, and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands, property or materials in consequence of the making of the improvements aforesaid, for which the property or materials are to be taken, and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine their value, and whether any, and if any, what amount of damages has been or may be sustained, and to whom the same is payable, and after having determined the damages sustained to all the properties affected by said improvement, together with the benefits, as hereinafter mentioned, they shall make report thereof to the said court.

Assessment of damages.

Report to the court.

SECTION 3. The councils of said cities shall have power to provide by ordinance for the payment of damages sustained by the making of the improvements aforesaid, or by the vacation of any public highway, either by the city or by assessments upon property benefited by such improvements, and in the latter case the viewers appointed to assess damages shall also assess upon any property benefited by such improvements, whether said property be immediately adjacent thereto or in the vicinity thereof, such amount for the special advantages which may accrue to the said several properties from such improvements as they may deem proper, and shall report the same to the said court: *Provided*, That assessments for benefits shall not exceed the damages awarded or agreed upon: *And provided further*, That parties assessed for benefits shall have the same right to file exceptions to said report, or to appeal therefrom, as is herein provided for in the case of assessments of damages for property taken.

Councils to provide for payment of such damages.

Manner of making assessment.

Benefits not to exceed the damages.

Appeal.

SECTION 4. If any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon, as in other cases of debt, for the sum so awarded, but assessments for benefits shall be collected as hereinafter provided. The costs and expenses incurred in the proceedings aforesaid shall be defrayed by the said city, and each of the said viewers shall be entitled to two dollars per day for every day necessarily employed in performance of the duties herein prescribed.

Judgment on the award.

Collection thereof.

Expenses.

Compensation to viewers.

- In case of disagreement as to amount of damages, bond to be given.
- Condition of bond.
- Proceedings on refusal to accept bond tendered.
- When to be appointed.
- Appeal from report of viewers.
- Affidavit.
- Trial by jury.
- Notices.
- Exceptions.
- SECTION 5. In all cases where the parties have not agreed upon the amount of damages claimed, or where, by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made for lands, property or materials to be taken, occupied or injured, the city shall tender sufficient security to the party claiming or entitled to any damages, or to the attorney or agent of any person absent or to the agent or other officer of a corporation, or to the guardian or committee of any one under legal incapacity, the condition of which shall be that the said city shall pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties, or assessed in the manner provided for by this act: *Provided*, That in case the party or parties claiming damages refuse, or do not accept the security so tendered, the said city shall then give the party, his or their agent, attorney or other officer a written notice of the time when the same will be presented for filing in the court, and thereafter the said city may present said security to the court of common pleas of the county where the lands or other property are situated, and, if approved, the security shall be filed in said court for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed, if the same be not paid, or cannot be made by execution on the judgment in the issue formed to try the question.
- SECTION 6. The viewers provided for in the foregoing sections of this article may be appointed before, or at any time within six years after the entry, taking, appropriation or injury of any property or materials for constructing said improvements, and upon the report of said viewers or any two of them, being filed in said court, any party may within thirty days thereafter file his, her or their appeal from said report to said court. Such appeal shall be in writing, and accompanied by an affidavit of the appellants or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done, and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall be tried by said court and a jury, and after final judgment either party may have a writ of error therefrom to the Supreme Court in the manner prescribed in other cases. The said court of common pleas shall have power to order what notices shall be given in connection with any part of the proceedings, and may make all such orders as it may deem requisite. If any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of, and if allowed, a new view shall be ordered, and if disallowed, the appeal shall proceed as hereinbefore provided.
- SECTION 7. In case any such city shall repeal any ordinance passed, or discontinue any proceeding taken,



providing for any of the improvements mentioned in the first section of this article, prior to the entry upon, taking, appropriation or injury to any property or materials, and within thirty days after the filing of the report of viewers assessing damages and benefits, the said city shall not thereafter be liable to pay any damages which have been or might have been assessed, but all costs upon any proceeding had thereon shall be paid by said city.

Liability of city for damages in case of repeal of ordinance, etc., after assessment of damages.

Costs.

SECTION 8. In all cases where lands or property have been heretofore taken, used, occupied or appropriated for any of the purposes aforesaid within five years last past, or where any ordinance has been passed providing for such taking, using or occupancy, and the damages sustained thereby or the benefits accruing therefrom have not yet been legally determined, it shall be lawful to proceed and determine said damages and benefits and collect the same under the provisions of this article, with the same effect as if said improvements had been undertaken or proceeded in after the passage of this act.

Damages for lands heretofore occupied and used.

ARTICLE XV.

*Taxation and Municipal Claims.*

SECTION 1. The qualified electors of each of said cities of the third class, shall, at the municipal election, elect three persons, residents of the city for at least five years previous to their election, qualified electors thereof and owners of real estate therein, as a board of city assessors to serve from the first Monday of April succeeding their election, for three years thereafter. No two of the said assessors shall be residents of the same ward.

Board of assessors to be elected.

Qualifications.

Term of office.

SECTION 2. Each of the said assessors shall, before entering upon his duties, take and subscribe the oath herein prescribed for municipal officers, and file the same with the city clerk. Any vacancy happening in the board shall be filled by appointment by councils for the unexpired term. The said board may, during the first year of their term of service, and in every third year thereafter, appoint assistant assessors, not exceeding in number the number of wards of the city, to serve for a period not exceeding sixty days, who shall be removable at the pleasure of the board. The compensation of the members of the board and of the assistant assessors shall be fixed by ordinance of councils.

To be sworn.

Vacancies.

Assistant assessors.

Compensation.

SECTION 3. The said board of assessors shall, during the first year of their term of service, make or cause to be made, a full, just and equal assessment of all property within the city subject by law to taxation for city purposes, which assessment shall stand until the next triennial assessment for county purposes, at which time, and every third year thereafter, an assessment shall be made; and shall in all cases value such property at such sums as the same would in their judgment bring at

First and triennial assessments.

Valuation of property.

Revision and equalization of assessments.

Custody of books relating to assessments.

Board to sit and hear complaints.

Notice of assessments to be given.

Notice of changes and of appeal.

Power to administer oaths.

Perjury.

Appeal.

Councils to elect board of appeals.

Their duties.

Their compensation.

Hearing to be before April 1st.

Corrected duplicates.

a fair public sale thereof. It shall be their duty to revise, alter and equalize the said assessments in respect to properties in the same ward, and in the several wards, and to so far modify such assessments during the years succeeding the year of the triennial assessment, as the changes of ownership or the condition of the improvements thereon shall require, and they shall complete their annual assessments on or before the first day of February in each year. For the purpose of their duties, they shall have the custody of all books relating to the assessments of city taxes: upon the completion of the assessment as hereinbefore required, the said board shall sit annually, on or before the first day of March, to hear complaints from the several wards, and at such hearings the assistant assessors, if any, shall also be present.

SECTION 4. It shall be the duty of the board to give at least five days' written or printed notice to every taxable inhabitant of the city of the amount or sums for which he stands rated in any triennial assessment, and also of any change in his assessment in any intervening year, together with the time and place of hearing complaints. For the purposes of such hearing the said board shall have authority to administer oaths and affirmations touching any matter relating thereto, and any wilful false statement under oath as to any material fact by any complainant, or his agent or attorney, shall be deemed perjury, and be punishable as such. Any person aggrieved by the final action of the board of assessors may appeal therefrom to the board of appeal hereinafter provided for.

SECTION 5. The councils of such city, in joint convention, on or before the first Monday of October of each year, shall elect five persons, two of whom shall be members of select council and three shall be members of common council, who shall constitute a board of appeals. No member of councils shall vote for more than three members of said board of appeals, and the five persons receiving the highest number of votes shall be declared elected. It shall be the duty of said board to hear and determine all appeals from assessments made by the city assessors, to fix the time and place for hearing such appeals, five days' notice of which shall be given by them to all appellants. The decision of the board of appeals shall be final. The members of the board of appeals shall each receive the sum of two dollars for each day actually employed in hearing said appeals. The hearing and determination of all such appeals shall be concluded on or before the first day of April in each year, after which the councils of said city shall cause the assessments to be copied by wards, into duplicates, for the use of the city, and the assessments so corrected and copied shall be the assessments for purposes of city taxation.

SECTION 6. The ward assessors shall continue to perform the duties of their office until the first election under the provisions of this act.

Ward assessors to act until first election under act.

SECTION 7. The duplicates, when completed as aforesaid, shall be placed in the possession of the city treasurer on or before the first day of June, who shall receive and collect said taxes. On the first day of September in each year, three per centum shall be added to all taxes then remaining unpaid, and on the first day of each month thereafter, one per centum shall be added to all outstanding taxes until the same are fully paid.

Duplicates to be given to city treasurer.

Addition of 3 per cent. after Sept. 1st, and 1 per cent. each month thereafter.

SECTION 8. On and after the first day of November in each year, the city treasurer shall place duplicates of unpaid taxes in the hands of the collectors, to be by him appointed, with his warrant for their collection, who shall collect the same, and shall receive such compensation for their services as may be authorized by councils. The said collectors, before entering upon their duties, shall severally give bond to the city, in a sum equal to the amount of taxes in their duplicate, with two sufficient sureties, to be approved by councils, conditioned for the faithful accounting for according to law of all taxes charged in the duplicate. The said collectors shall severally have and exercise all the powers vested by law in the collectors of State and county taxes, and shall also be authorized, after five days' notice, to seize any property on the premises assessed belonging to tenants or others, without regard to the date of the assessment of the tax, and to levy upon any personal property of the delinquent that may be found within the county for the collection of said tax.

Collectors to be appointed.

To give bonds.

Condition.

Powers and duties of collectors.

SECTION 9. Each of the said collectors shall immediately proceed to collect the taxes as charged in the duplicates placed in his hands, and shall pay over at the end of each month all moneys he may have by that time collected, and he shall make a return therewith, showing by whom and upon what properties the real estate taxes have been paid, and thereupon it shall be the duty of the city treasurer to satisfy the real estate tax thus paid upon the duplicates remaining in his office. The said collectors of city taxes shall settle their respective duplicates within five months from the time the same came into their hands, respectively, and shall pay over the amount charged against them, except such sums as they may be exonerated from collecting by the proper city authorities.

Collectors to make monthly returns of moneys received.

Satisfaction of taxes.

Duplicates to be settled within five months.

SECTION 10. Within five months of the time the said duplicate shall have been placed in the hands of any collector, he shall make out and deliver to the treasurer a schedule of all city taxes assessed against real estate which still remain unpaid, with a brief description of the properties against which the same are assessed, and with his affidavit thereto, setting forth

Schedules of unpaid taxes.

With description of property.

To be verified by affidavit.

Failure to collect tax not to impair lien.

Liability of collector for false return.

Duties of city treasurer and city solicitor as to unpaid taxes.

To become a lien and continue until paid.

Lien to have priority.

Lien not to be divested until paid.

Prothonotary's fees thereon.

Lands to be advertised and sold for unpaid taxes.

Time of sale.

Advertisements.

that after proper effort he could not find sufficient personal property out of which the said taxes, or any part thereof, could be made or collected as provided by law: *Provided however*, That the failure of the said collector to collect the said tax from personal property when the same could have been collected, shall not impair the lien of any such tax, or affect the validity of any sale made in the collection thereof: *And provided further*, That in case any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby.

SECTION 11. It shall be the duty of the city treasurer upon the return to him of the schedules of unpaid city taxes as provided in the preceding section, to certify the said schedules and taxes, or a copy thereof, to the city solicitor, who shall cause the said taxes, with the penalties thereon, to be registered in the name of the city and against the person or persons charged in the duplicates with the same, in the office of the prothonotary of the proper county, who shall keep a separate book for that purpose, to be called the city liendocket; and all taxes assessed upon real estate shall be and continue to be liens thereon from the date of the levy thereof until paid.

SECTION 12. The lien of said taxes shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment or obligation, lien or responsibility which the said real estate may become charged with or liable to, and shall not be divested by any judicial sale, except for so much of the proceeds of such sale as shall be actually applied thereto, nor shall the defendant or defendants, or other persons, in any writ of *fiery facias*, *venditioni exponas*, or *levari facias*, be entitled to claim any exemption under a levy and sale of any real estate charged with such tax, against the allowance or payment of the same. The prothonotary shall be allowed and paid for each tax so registered a fee of twenty-five cents, which shall form part of the costs, and shall be paid by the person from whom the tax is due; he shall also make searches and furnish transcripts or extracts from the register of taxes aforesaid, for which he shall be allowed the usual fees, to be paid by the party applying for the same.

SECTION 13. It shall be the duty of the city treasurer, if councils shall by ordinance so direct, upon the return to him by the collectors of the schedules of unpaid taxes on real estate, as above provided, to advertise the lands returned to him for non-payment of taxes thereon for sale on the first Monday of June next succeeding such return, and on that day, or to such day thereafter as said sale may be adjourned, to sell the same if there shall be sufficient time to advertise the same before the said first Monday of June, and if not, then on the first Monday of June of the next year. Said lands shall be advertised in two newspapers, if so many be pub-

lished in the city, once a week for three successive weeks before the day of sale: *Provided*, That no sale of any land shall be valid when the taxes for which it was returned have been paid before such return, or the taxes and costs, if paid after the return and before sale: *And provided further*, That said lands may be redeemed by the owner or any one interested in said land, at any time within two years after such sale, by the payment to the city treasurer of the amount of the taxes paid at such sale and five per centum penalty thereon and all taxes on said lands paid by the purchaser, and a further penalty of one per centum per month on the amount of taxes paid at such sale, or at any time subsequent thereto. If such bid shall have been for less than taxes and costs charged on said land, the person redeeming shall be required to pay the full amount of such taxes, costs and penalty. The city shall have the right to bid at such sale the amount of taxes and costs, and if necessary to purchase such lands.

When sale shall be invalid.

May be redeemed.

City may purchase.

SECTION 14. It shall be the duty of the purchaser or purchasers at said treasurer's sale, as soon as the property is struck down, to pay the amount of the purchase money or such part thereof as may be necessary to pay all the taxes and costs, as also one dollar and fifty cents for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed, as hereinafter mentioned, and in case said amount is not forthwith paid after the property is struck down, the sale may be avoided and the property immediately put up again by the said treasurer: *Provided however*, That this section shall not apply when the lands are purchased by said city.

When purchase money to be paid.

Fee to prothonotary

SECTION 15. It shall be the duty of the city treasurer, at the first term of the court of common pleas of the proper county succeeding such sale, to make a report and return, wherein he shall set forth a brief description of the lands or property sold, the name of the person, (where known), in which the same is assessed, the amount of tax and the year for which the same is assessed, the time when, and the newspapers in which, the advertisements for sale was made, with a copy of said advertisement, the time of sale, the name of purchaser, and the price for which each respective property was sold, and upon the presentation of said report or return, if it shall appear to said court that such sale has been regularly conducted under the provisions of this act, the said report and the sales so made shall be confirmed *nisi*, in case no objections or exceptions are filed to said sales within ten days, a decree of absolute confirmation may be entered, as of course, by the prothonotary. In case any objections or exceptions are filed, they shall be disposed of according to the practice of said courts, and when the same are overruled or set aside a decree of absolute confirmation shall be entered as aforesaid. but all objections or ex-

City treasurer to make report to next court.

Contents of report.

Action of court thereon.

Exceptions. Court to dispose of same.

ceptions shall be confined to the regularity of the proceedings of said treasurer.

Surplus bond of purchaser.

To contain warrant of attorney to confess judgment.  
To be filed.

And become a lien.

The owner at time of sale may have judgment thereon, etc.

Purchaser to have a deed.

How acknowledged.

To be recorded.

Proceedings in case of redemption.

SECTION 16. After any sale of property or lands for delinquent taxes has been confirmed by the court, as aforesaid, it shall be the duty of the purchaser or purchasers, where the bid exceeds the taxes and costs, as aforesaid, to make and execute to the said treasurer for the use of the persons entitled, a bond for the surplus money, that may remain after satisfying and paying all the taxes and costs as aforesaid, with warrant of attorney to confess judgment annexed thereto, and it shall be the duty of said treasurer to forthwith file said bond in the office of the prothonotary of the proper county, at the number and term where said report and return is filed, and the surplus bond filed as aforesaid, from the time of the date of the deed for property thus sold, shall bind as effectually and in like manner as judgments, the lands by said treasurer sold, into whose hands or possession soever they may come, and the owners of said lands, at the time of sale, their heirs or assigns, or other legal representatives may, at any time within five years after such sales, cause judgment to be entered in said court upon said bond, in the name of said treasurer for the use of said owners, their heirs, assigns or legal representatives (as the case may be), and in case the moneys mentioned in said bonds, with legal interest thereon from the time it is demanded, be not paid within three months after such entry, execution may forthwith issue for the recovery thereof.

SECTION 17. When the purchaser has paid the amount of his bid, or such portion thereof as he is required to pay under this act, and has given the surplus bond as above required, it shall be the duty of the city treasurer to make to said purchaser or purchasers, his or their heirs or assigns, a deed in fee simple for the lands sold as aforesaid, and the said deed or deeds to duly acknowledge in the court of common pleas, and such acknowledgment shall be duly entered and recorded by the prothonotary of said court in the treasurer's deed book, and for such service and the entry of the report of said treasurer, said prothonotary shall receive the sum of one dollar and fifty cents.

SECTION 18. Where the owner or other person interested in the land thus sold shall redeem the same, it shall be the duty of the city treasurer to acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed, as the same is entered and recorded in the prothonotary's office; as aforesaid, and thereafter said deed shall be void and of no effect, and thereupon such owner or person interested as aforesaid shall be entitled to have the treasurer's deed delivered up to him, her or them, by the purchaser for cancellation.

SECTION 19. Where any property remains unsold for any cause whatever, or where the purchaser or purchasers neglect or refuse to comply with the terms of the sale, it shall be the duty of said treasurer to expose the said lands or property to such public sale, in the manner aforesaid, on the succeeding first Monday of June or upon any day to which such sale may be adjourned.

Property remaining unsold to be again offered the next year.

SECTION 20. All special taxes levied or assessments made for water-frontage tax, sewerage tax, piping, paving, re-paving, curbing or re-curbing sidewalks, grading, macadamizing or paving any public street, lane or alley, or part thereof, and for assessments of damages or benefits, and contributions lawfully imposed for the opening, widening or vacation thereof, or the changing of water courses, and for all other purposes except general taxes, (the remedies for the collection of which shall be as herein provided), that may be the subject of claim entered in pursuance of this act, and the laws and ordinances of any of said cities, shall be paid within such time as councils may provide by ordinance, and if not so paid five per centum penalty shall be added thereto, and such claim shall also bear interest at the rate of six per centum per annum.

When taxes and assessments must be paid.

Penalty and interest to be added for non-payment.

SECTION 21. Such taxes and assessments shall be and remain first liens on the respective pieces of land fronting on the streets in which the improvement is made, or on the land assessed for such improvement or benefits, as the case may be, from the commencement of the improvement for which the assessments were made until six months after the completion of the work, and no longer, unless a specification of lien be filed in the prothonotary's office of the county in which the city is located, in the city lien-docket, within said period. The prothonotary shall be allowed a fee of twenty-five cents for filing and entering a lien under the provisions of this act, to be taxed as part of the costs in the case. Such specification of lien shall be deemed sufficient if it designates the date and amount of assessment, the land assessed and the name of the owner or reputed owner, and shall have the effect of extending such lien for a period of ten years from the date of entry, and shall be amendable at or before trial in such manner as will meet the facts and merits of the case, and said lien shall have priority to, and shall be fully paid and satisfied before any other lien or incumbrance of whatsoever kind or nature with which the land assessed may become charged, and shall not be divested by any judicial sale except as to such portion of the proceeds of the sale as may actually be applied for the payment of such lien.

Date and duration of lien.

Specification to be filed and effect thereof.

May be amended.

Priority of lien.

Not divested by judicial sale.

SECTION 22. Recovery may be had on claims for city taxes, water-frontage tax, lighting-frontage tax, water rates, lighting rates, sewerage tax, piping, paving, re-

Recovery of city claims.

Evidence.	paving, curbing or re-curbing sidewalks, grading, macadamizing or paving any public street, lane, alley or part thereof, or for assessments for damages or benefits and contributions lawfully imposed for the opening or vacation thereof, or the changing of water courses, and all other matters that may be subject of claim registered in pursuance of this act and the laws and ordinances of any of said cities, in the court of common pleas of the proper county, or before any magistrate having jurisdiction of the amount, by action at law to recover a general judgment against the owner or owners of the property upon which the assessments were made, or proceedings thereon may be had by <i>scire facias</i> , similar to the proceedings in the case of mechanics' claims; and claims so registered shall be <i>prima facie</i> evidence of the amount thereof, and of the same being due and owing and of all matters therein set forth, and judgment shall be entered by default thereon, unless the defendant or defendants shall file his, her or their affidavit of defense, as required in cases where the plaintiff has filed his copy of the cause of action in such court, and the judgment and process thereon shall be with like effect as in other cases:
Judgment by default.	<i>Provided</i> , That reference being made to the number and term to which, and the docket and page in which, such claim or claims are registered, in the præcipe instituting the suit, it shall not be necessary to file a copy of the same: <i>And further provided</i> , That where any real estate subject to such lien shall have been conveyed and deed recorded after the registry of such tax, the then owner shall be included in the process, and if any owner shall be omitted, such party may be brought in by a rule of the court, or <i>alias scire facias</i> on him, her or them, to show cause why he, she or they should not be made a party to such suit, on proof of service thereof judgment may be entered against such party in default of appearance or affidavit of defense, as if originally a party to the suit.
When copy of claim need not be filed.	
How subsequent purchaser or omitted owner may be made a party.	
Sale of property and title of purchaser.	SECTION 23. A sale of any property under a writ of <i>levari facias</i> , issued upon a judgment obtained upon any lien filed in pursuance of this act, whether the real owner be named or not, shall be deemed a proceeding <i>in rem</i> and shall vest a good title in the purchaser to the property thus purchased: <i>Provided however</i> , That the owners of property thus sold, if not personally served with the writ of <i>scire facias</i> , may redeem the same within one year from the date of sale, by payment of the purchase money, taxes and all moneys expended for improvements made on or about the property, of whatever kind or nature, with ten per centum added thereto, and any person entitled to so redeem may present a petition to the court from which the process to make sale issued, setting forth the facts and his readiness to pay the redemption money, whereupon the court shall grant a rule to show cause why
Proceedings for redemption of property sold by the owners thereof.	
Petition to court.	
Duty of the court.	



the purchaser shall not reconvey to the petitioner the premises sold, to be served as directed by the court, and if the petitioner shall prove the facts necessary to entitle him to redeem, the court shall make such rule absolute and enforce it by attachment.

SECTION 24. When the owner of a lot is unknown, the claim shall be filed against the land assessed and "unknown owner," and indexed accordingly. A *scire facias* may issue thereon, as provided in this act as to other claims, which shall be published by the sheriff once a week for three successive weeks before the return day, in at least one newspaper published in the city, with a full description of the lot, the amount assessed thereon, and for what purpose. If the owner appear, he may defend, as if named in the writ, but if there be no appearance, judgment may then be entered and the land sold with the like effect as if the real owner had been named as a party defendant and personally served with said writ.

SECTION 25. In all cases where lands are sold for the payment of any tax or claim of said city, it shall be lawful for the said city to become the purchaser of the lands so offered for sale: *Provided however*, That the amount bid for the respective property shall not exceed the amount necessary to secure the claims or amounts due the said city, together with the costs of sale.

SECTION 26. Where the paving of any street, lane or alley or part thereof, has been petitioned for, the passage by councils of any ordinance directing the paving of any such street, lane or alley or part thereof, shall be held to be conclusive of the fact that a majority in number of the persons owning property thereon, or that the persons owning a majority of the feet front thereon, as the case may be, have petitioned therefor: *Provided*, That no ordinance for the above named purpose, so petitioned for, shall be passed until five days' notice of the improvement prayed for, with the names of the petitioners therefor, has been given in one newspaper published in the city. The term owner or owners is hereby declared to mean any person or persons or bodies corporate who may own or claim the property to be affected by such improvement or assessment, in whom is vested any estate in fee simple, fee tail, for life, a perpetual leasehold, or for a term of years, by lease or otherwise, not less than twenty years; a majority of the owners of an undivided property to constitute one person for the purposes of the petition.

SECTION 27. In all contracts for improvements, the cost of which is to be paid by assessments upon the property abutting or benefited, the city may enter into an agreement with the contractor that he shall take an assignment of such assessment in payment of the amount due him under the terms of his contract, and in such case the city shall not be otherwise liable under such

Proceedings to sell if owner is unknown.

Not to be published,

Judgment.

City may purchase lands.

Amount of bid of city limited.

When council by ordinance direct improvements, that shall be conclusive of fact that a majority petitioned.

Passage of such ordinance.

The term "owner or owners" defined.

Assignment of assessment to contractor authorized.

City may issue improvement bonds.	contract, whether said assessments are collectible or not; or said city may issue improvement bonds, based solely upon the assessments for any of said local improvements.
Assessments may be made payable in instalments.	SECTION 28. Whenever any ordinance is passed providing for the paving or macadamizing of any street, lane or alley or part thereof, or for the construction of any sewer, the expense whereof is to be defrayed by local assessments as herein provided, it may be prescribed in such ordinance that the assessments may be paid in ten equal instalments, payable at such times as may be fixed by ordinance, the last thereof not to be more than ten years after the commencement of the work on the improvement for which it is assessed. The instalments shall bear interest at the rate of six per centum per annum, commencing thirty days after the commencement of the work on such improvement until paid. If any of said instalments shall remain unpaid for two months after the same shall become due and payable, the whole of the assessment remaining unpaid shall be due and payable. Any person upon whom such assessment has been made may pay all, or as many as he chooses, of such instalments, before the same are due.
Date of payment of last instalments.	
Interest on instalments.	
On failure to pay instalment whole amount to become due.	
Assessments may be paid in full.	
Proceedings for collection of assessments.	SECTION 29. All assessments made in pursuance hereof shall be collected in the same manner and with the same penalties as are provided in this act for the collection of special taxes and assessments upon real estate, and it shall be lawful for councils to make and collect assessments upon real estate for the purposes aforesaid before the work is contracted for.
Assessments for improvements already made or in progress.	SECTION 30. Cities of the third class shall have power to provide by ordinance for the assessment or reassessment of the cost of local improvements already made, or in process of construction, upon the property benefited thereby or upon the property abutting or fronting on the street, lane, alley or part thereof, where the said improvements have been or are being made. The said assessment or reassessment shall be made by viewers upon the property benefited, where the improvement has been directed by councils to be made according to benefits, and shall be by an equal assessment to be made by the city engineer on the property, in proportion to the number of feet the same fronts upon the street, lane, alley or part thereof, improved or being improved, where the improvement has been directed by councils to be made by the frontage rule. Notice of the time and place of making said assessment or reassessment shall be given by the viewers, or by the city engineer as the case may be, to all the owners of property that may be affected by said assessment or reassessment. Said assessments or reassessments, when so made, shall be liens from the date thereof, and shall be due and payable in sixty days thereafter, and if not paid when due shall bear interest. Said assessments
By viewers.	
How made.	
Notice.	
When made to become liens.	
Interest.	

or reassessments, if not paid when due, shall be subject to the penalties fixed by this act for the non-payment of municipal assessments, and shall be filed and registered in the prothonotary's office within six months from the date of making the same, in the manner and with like effect as prescribed in this act for the filing and registry of municipal assessments, and shall be collected with additions, interest and penalties in the manner prescribed by this act for the collection of municipal assessments: *Provided*, That councils may provide for the payment of assessments authorized by this section, in five equal instalments, the first instalment to be due and payable sixty days after the date of the assessment, the second instalment to be due and payable in one year from the date of the assessment, the third instalment to be due and payable in two years from the date of the assessment, the fourth instalment to be due and payable in three years from the date of the assessment, and the fifth instalment to be due and payable in four years from the date of the assessment; the second, third, fourth and fifth instalments to bear interest from the date the first instalment is due and payable; and in case any instalment is not paid when due, the whole assessment remaining unpaid shall become due and payable and shall be collected as directed by this act: *Provided further*, That whenever a property has paid the whole or any part of its share of the total cost of said improvement, said property shall be given credit for the amount thus paid on the assessments or reassessments authorized by this section: *And provided further*, That this act shall not preclude any defense against the collection of such assessments, arising from the manner of constructing such improvements or the quality of the materials used therein, or from non-compliance with the provisions of any act or acts under which such improvements are claimed to have been made.

SECTION 31. Whenever the cost of local improvements of any kind in said cities of the third class is to be assessed upon the abutting properties, or upon the property benefited thereby, at least five days' notice of the time and place of making the assessment, to pay the cost of said local improvements, shall be given by the person or persons authorized by councils to make said assessment, by publication in one or more newspapers for three successive days, and by serving notice on an adult person residing on each of the properties to be affected by said assessment, at which time and place all parties interested shall be heard by the persons or person authorized to make said assessment. In case an adult person cannot be found residing upon any property that may be affected by said assessment, said notice shall be deemed to have been properly served if tacked or posted conspicuously on the premises.

If not paid subject to penalties.

To be filed in prothonotary's office.

Collection thereof.

May be made payable in instalments.

Interest on instalments.

Upon default all to become due.

Credits for payments made.

Defense on account of defective construction.

Notice of time and place of assessment.

How notice is to be given.

## ARTICLE XVI.

Registry of real estate may be provided for by ordinance.

SECTION 1. For the purpose of procuring accurate information in reference to the ownership of all real estate liable to municipal taxation or assessments, the councils of each of said cities of the third class may provide by ordinance for a registry thereof, in accordance with this act.

Book of plans to be made by city engineer.

SECTION 2. The city engineer of any of said cities in which such registry shall be established as aforesaid, shall cause to be made books of plans of such city, showing the situation and dimensions of each property therein, with the city number and name of the owner or owners thereof, with blank spaces for the names of future owners and dates of future transfers of title, and for such purpose the said engineer shall have free access without charge to any of the public records of the county, wherein the necessary information may be obtainable therefor, and may also cause search to be made in any other place for any muniments or evidences of title not reported to him as hereinafter provided, and requisite for the completion of the said plans. The said books of plans shall be carefully preserved in the departments of surveys of said cities, and shall be so kept by additions from time to time as to show the ownership of each lot or piece of real estate, or subdivision thereof, within the city limits, with the successive transmissions of title from the date of the commencement of such plans. Certified copies under the hand of the said engineer of any of the entries in said books of plans shall be received in evidence in the same manner as the books themselves might be admissible for such purpose, and may also be furnished to any person desiring the same, for such fee or compensation as may be fixed by ordinance, for the use of the city.

Contents thereof.

City engineer authorized to collect data.

How said books shall be kept.

Certified copies therefrom to be evidence.

Fees for use of city.

Owners of unregistered real estate to furnish data for registry.

SECTION 3. It shall be the duty of all owners of unregistered real estate within the city limits, within one month from the date of the approval of the ordinance establishing such registry, and of every subsequent purchaser, devisee or person acquiring title by partition or otherwise, to any real estate therein, within one month after acquiring such title, to furnish to the said engineer at his office descriptions of their respective properties upon blanks to be furnished by the city, and at the same time to present their conveyances to be stamped by said engineer without charge, as evidence of the registration thereof. Any person or persons neglecting or refusing to comply with the provisions of this section for a period of thirty days after public notice of the requirements thereof, shall liable to a penalty of five dollars, to be recovered, with costs of suit, in the name and for the use of the city, as penalties for the violation of city ordinances are recoverable.

Evidence of registration.

Penalty for neglect or refusal.

SECTION 4. The sheriffs of the respective counties in which such cities are situated, shall present for registry the deeds of all properties within the city limits sold by them at judicial sales, whether in partition or otherwise; and the recorders of deeds thereof shall not admit for record any deed for any city property bearing date subsequent to the approval of the ordinance for the establishment of such registry, unless the same shall have first been duly stamped as herein directed, as proof of registry, and any prothonotary or recorder who shall record any deed before the provisions of this section shall have first been complied with, shall be liable to a penalty of five dollars for each deed recorded in violation hereof, to be recovered, with costs of suit, in the manner hereinbefore provided.

Duties of sheriff as to registry of deeds.

Duties of recorders of deeds.

Penalty for recording deeds not registered.

## ARTICLE XVII.

### *Topographical Survey.*

SECTION 1. Any city of the third-class shall have power by ordinance to cause a topographical survey thereof to be made by their duly appointed city engineer, or by such other civil engineer and assistants as they may employ for that purpose.

Topographical survey of city to be made.

SECTION 2. It shall be the duty of said engineer, upon being duly authorized thereto, to survey and mark the lines of all the streets, avenues and highways of the city already opened, or intended to be opened for public use, and to survey and lay out such new streets, avenues and highways as the councils may deem necessary for a regular and convenient city plan, and also to regulate the elevation of the same, and of the gutters and sidewalks thereof, and for said purposes the said engineer and his assistants shall have power and authority to enter upon the lands and premises of any person or persons within the said city. When the survey and regulations shall be completed, the said engineer shall make, or cause to be made, duplicate drafts or plans thereof, with every position and explanation necessary for a full understanding of the same, distinctly designating where the new streets, avenues and highways shall thereafter be opened; and one of the said drafts or plans shall be returned to the councils, who shall keep the same in such place as they may direct, and the other of said drafts or plans shall be delivered to the clerk of the court of quarter sessions of the proper county, to be by him filed in his office for public inspection and examination.

Duties of city engineer.

Duplicate drafts of survey to be made.

Where to be kept.

SECTION 3. It shall be the duty of the said councils to give at least thirty days' previous notice in at least two of the public newspapers published in said city, if so many be published therein, that on a certain day or days, to be appointed by the court of quarter sessions, the said court will hear any objections that may be made to said draft or plan by any freeholder or citizen

Objections to said drafts may be heard, after notice, by court.

Alteration and confirmation of drafts.

Establishment of streets, etc.

Liability of city in case of deviation from said drafts.

Sections of drafts may be made, reported and confirmed.

Proceedings as in case of entire drafts.

Penalty for building within line of street, etc., as marked on draft.

Proceedings for opening, etc., of public streets, etc.

Sinking fund for redemption of bonded indebtedness.

of the said city; and the court shall at the time appointed, determine whether any, and what alteration shall be made therein, and when the said draft or plan shall be finally confirmed, shall direct the same, with such alterations as shall be made thereto, be recorded in the office of the clerk of said court; and thenceforth all the streets, avenues and highways, as therein contained, shall be adjudged and taken to be public highways, and the survey and regulations of the said streets, avenues and highways, so filed and recorded, shall be deemed and adjudged established and fixed; and in case the city councils shall thereafter change or alter, or should they by themselves or their officers deviate from the regulations of the streets, avenues or highways, so as aforesaid established, and damages thereby accrue to the property of any person or persons in consequence thereof, the said city shall be liable for the payment of such damages.

SECTION 4. The said engineer may, from time to time, as he shall deem expedient and the said councils shall direct, make report of the surveys, plans and regulations by him made, in convenient sections, without awaiting the completion of the entire survey, and shall make duplicate drafts and plans of said sections in the manner hereinbefore prescribed, and the same proceedings shall be had for the final confirmation of such partial or sectional drafts and plans as is herein directed in relation to the confirmation of the entire survey, and with the like force and effect.

SECTION 5. If any owner or owners of real estate, or other persons, shall erect or construct any house or other building within the line of any street, avenue or highway, as surveyed and marked on the draft or plan aforesaid, or upon any section thereof, after the final confirmation of the same, such owner or person shall not be entitled to claim or recover any damages which may be caused by the removal of such house or building, for the opening or widening of any such street, avenue or highway. All proceeding for the opening, widening, grading or otherwise improving any of the public streets, avenues or highways, so as aforesaid surveyed, established and confirmed, and the payment or damages or contributions therefor, shall be regulated and governed by the provisions of this act.

## ARTICLE XVIII.

### *Indebtedness.*

SECTION 1. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective cities of the third class, the councils of each thereof shall, annually, (until payment of bonds and funded debt be fully provided for), levy and collect, in addition to the other taxes of said corporation, a tax of not less than one-fourth of one mill, and not

exceeding three mills, upon the assessed value of the taxable property of each of said cities, to be called the sinking fund tax, which shall be paid into the city treasury, and shall be applied toward the extinguishment of said bonds and funded debt, and to no other purpose whatever; and said bonds when purchased shall be conspicuously stamped to show that they were purchased for the sinking fund of said city, and the interest on said bonds shall be collected and used in like manner with the taxes collected for said sinking fund.

Bonds to be stamped when redeemed.

SECTION 2. Whenever by the constitution and laws of this Commonwealth any city of the third class shall be authorized to increase its indebtedness by borrowing money on the faith and credit of said city, the proposed ordinance to effect the loan shall be introduced at a stated meeting of the common council, and the draft thereof published in at least two of the newspapers of the city, if so many be published therein, once a week for four weeks before the final consideration and passage thereof by the said common council; and at any stated meeting of the select council held at least one week after the final consideration of such ordinance by the common council, the select council may consider and act upon the same; but the select council shall not originate any ordinance for borrowing money, and no loan shall be authorized except by the vote of two-thirds of the whole number of members of each council. The specific purpose or purposes for which the said loan is authorized shall be distinctly set out in the said ordinance, and the moneys received for said loan shall not be used for any purposes other than those so stated, and the said city shall, at or before the time of authorizing the said loan, for the collection of an annual tax sufficient to pay the interest, and also the principal of the said loan, within thirty years.

Increase of indebtedness.

Vote upon loan.

Purpose of loan to be set out in ordinance.

To provide for tax for payment of interest on loan and principal within 30 years.

SECTION 3. Any of the said cities of the third class may, in the manner prescribed by law, redeem its existing bonded indebtedness as fast as the same may become due and payable, by the issue of new bonds therefor, bearing interest at a rate not exceeding six per centum per annum, redeemable in not less than five years, and payable at any time not exceeding thirty years from the date of issue thereof, at the option of the said city. Said bonds shall be exempt from all taxation except for State purposes.

Redemption of bonded indebtedness.

Rate of interest.

Bonds to be exempt from State tax.

SECTION 4. The mayor, treasurer and controller of each of said cities shall constitute a board of commissioners of the sinking fund of the city. The mayor shall be chairman and the controller secretary, and it shall be the duty of the board to keep the accounts of the sinking fund, and to see to the proper application, and superintend the investment of the same, in accordance with law and the directions of the city councils. The said commissioners shall meet as often as may be necessary, keep a record of their proceedings,

Board of commissioners of the sinking fund.  
Officers of the board.

Duties.

Meetings.  
Record of proceedings.

Annual report. and shall, annually, in the month of January, make a report to councils of the condition and application of the fund, together with such recommendations in relation thereto as they shall deem expedient: *Provided*, That councils shall not direct the investment of any moneys to the credit of the sinking fund except in the loans of said cities respectively, the loans of the United States, or the loans of the State of Pennsylvania, and the income derived from any of said investments shall be credited and applied to the said several sinking funds respectively.

Investment of money of the sinking fund.

Application of income therefrom.

## ARTICLE XIX.

*Definition and Repeal.*

SECTION 1. The term "Cities of the third class" shall include only:

Definition of the term "Cities of the third class."

1. Those created by act of May 23, 1874.

*First.* All cities of the proper population which have been incorporated under the provisions of an act of Assembly, entitled "An act dividing cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and providing certain offenses in all of said cities and providing for the incorporation and government of the cities of third class," approved the twenty-third day of May, one thousand eight hundred and seventy-four, or which may hereafter be incorporated under the provisions of this act.

2. Those which have accepted said act.

*Second.* All cities of the proper population which have accepted the provisions of the said act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifty-seventh section thereof.

3. All others only from date of acceptance of said act.

*Third.* All other cities of the proper population, only from and after the date of their acceptance of the provisions of the said act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifth section thereof.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith, or supplied by the provisions hereof, be and the same are hereby repealed; but no right or interest which has become vested thereunder shall be destroyed or impaired by the operation of this act, or by the exercise of any power granted therein. All officers of each of said cities of the third class, in office at the date of the approval hereof, shall, except where otherwise herein provided, continue to hold their offices for the term for which they were respectively elected; but all ordinances of any of said cities heretofore legally passed, not inconsistent with such provisions, are hereby made valid and shall be and remain in full force and virtue until altered or repealed.

Duty of councils.

SECTION 3. It shall be the duty of the councils of every city of the third class forthwith to pass such ordinances



in accordance with the provisions of this act, as may be necessary to carry into effect the requirements thereof.

SECTION 4. In cities of the third class operating with but a single branch of council, the members thereof in office at the date of the approval hereof are empowered to exercise all the functions of councils in the manner theretofore authorized, until their successors are duly elected and installed in accordance with the provisions of this act.

As to cities having but one branch of councils.

APPROVED—the 23d day of May, A. D. 1889.

JAMES A. BEAVER.

No. 248.

AN ACT

Making an appropriation for the protection and propagation of fish.

SECTION 1. *Be it enacted, &c.,* That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid upon the warrant or warrants of the State Fishery Commissioners or a majority of them, for expenditures during the two fiscal years next succeeding June first one thousand eight hundred and eighty-nine, for the purpose of hatching and propagating useful food and game fishes and to stock and supply all the streams, lakes and waters of the Commonwealth with the same, by distributing the impregnated spawn or fry to all parts of the State, and for the dissemination of any varieties of fish in the waters of the State and to employ the necessary labor, service, material and implements therefor, and to pay the necessary and reasonable expenses of the said fishery commissioners; and that the sum of seven thousand five hundred dollars be appropriated for the salaries and expenses of the water bailiffs they may appoint, or may have appointed; the said sum to cover the salaries for the two years aforesaid.

\$20,000 appropriated

Payable on warrants of the commissioners.

Being for two years from June 1, 1889.

\$7,500 appropriated for salaries of water bailiffs for two years.

The said appropriations to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, but no warrant shall be drawn on settlement made until the officers of said commission shall have made under oath to the Auditor General, a report containing an itemized statement of the expenses of said commission during the previous quarter and the same is approved by him and the State Treasurer, nor until the treasurer shall have sufficient money in the treasury not otherwise appropriated to pay the quarterly instalment due said commission.

Payable on warrant of the Auditor General.

Itemized statement of expenses.

APPROVED—the 23d day of May, A. D. 1889.

JAMES A. BEAVER.