

rich in dividends and in profits, and rather than to tax manufacturing corporations now extraordinarily prosperous and abundantly able to pay the proposed tax. The whole procedure was most unfair and against the welfare of all the people.

Some of the increased expenditures authorized by the Assembly are in this national crisis necessary. They cannot be refused or withheld. To reconvene the Assembly to enact revenue producing laws is a costly procedure and might not result in any substantial service to the people since the same potential influences that so carefully guarded certain special interests would again, doubtless, assert themselves. But it may well be that a lesson of this sort is necessary to teach the people the truth.

This direct inheritance tax applies to all property of decedents going to direct heirs. It covers estates of every size, even to the smallest. There are no exemptions. In some States there is a graded tax, with exemptions to the small estates. Under our Constitution this is forbidden, and the approval of this bill is, in its last analysis, based upon the fact that this Assembly has passed a resolution providing for an amendment to the Constitution which will correct the injustices of this measure. This can be and should be adopted by the people in 1919, and the Assembly should then so amend this act as to bring the relief that all fair-minded and unselfish men will approve.

MARTIN G. BRUMBAUGH.

No. 319.

AN ACT

Concerning townships; and revising, amending, and consolidating the law relating thereto.

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## CHAPTER I.

## PRELIMINARY PROVISIONS.

## ARTICLE I.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as "The General Township Act." This act shall take effect on the first day of July, one thousand nine hundred and seventeen.

Section 2. This act does not include any provisions, and shall not be construed to repeal any acts, relating to—

(a) The procedure for the collection of municipal claims by liens.

- (b) The amount and method of incurring or increasing bonded indebtedness.
- (c) Election officers and conduct of elections.
- (d) Poor districts.
- (e) Boards of health.
- (f) Common schools.
- (g) Constables.
- (h) Justices of the peace.
- (i) The giving of municipal consent to public service corporations.
- (j) State roads, State-aid roads, and private roads.
- (k) Validations of elections, bonds, ordinances, and acts of corporate officers.

Section 3. The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded, nor affect the existence or class of any township heretofore created. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of such repealed laws. All ordinances, regulations, and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 4. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act.

Section 5. Whenever, in this act, reference is made to any act by title, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted.

Section 6. This act, in so far as it relates to townships of the first class, shall apply to all such townships within the Commonwealth; and in so far as it relates to townships of the second class, shall apply to all such townships within the Commonwealth.

Section 7. Whenever any township of the second class is designated a township of the first class, or whenever any township of the first class is re-established as a township of the first class, or whenever any township is divided, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and

all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued, or punish any offense committed, prior to such change of class or division, and all ordinances, shall continue with the same force and effect as if no such change or division had been made.

Section 8. Except so far as modified by the provisions of this act, all existing laws in force prior to the twenty-eighth day of April, one thousand eight hundred ninety-nine, relating to townships, shall continue in force as to either class of townships, in the same manner as prior to the passage of this act. All laws adopted subsequent to said date, not modified by this act, shall remain in force in the same manner as prior to the passage of this act.

Section 9. This act does not provide a complete system for the assessment and collection of township taxes. All acts and parts of acts relating to taxation in townships, in force prior to the passage of this act, which are not re-enacted or specifically repealed by this act, shall remain in force as to either class of townships in the same manner as prior to the passage of this act.

## CHAPTER II.

### CLASSIFICATION OF TOWNSHIPS.

#### ARTICLE I.

Section 15. The townships now in existence and those to be hereafter created are divided into two classes. Those townships having a population of at least three hundred inhabitants to the square mile shall be townships of the first class. All other townships shall be townships of the second class.

Section 16. Townships of the first class shall include all townships heretofore designated as townships of the first class by the county commissioners of the several counties, under the provisions of an act, entitled "An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class," approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine, and the several amendments thereto, and which are now governed as such; and also all townships having the requisite population, as provided by section fifteen of this act, which shall hereafter be designated as townships of the first class under the provisions of this act. All other townships now in existence, or hereafter erected or created under the provisions of this act, shall be townships of the second class.

## CHAPTER III.

## CREATION OF TOWNSHIPS.

## ARTICLE I.

## ERECTION OF TOWNSHIPS OF THE SECOND CLASS.

Section 20. The courts of quarter sessions may, upon the presentation of a petition, erect new townships of the second class out of parts of two or more townships, so as to suit the convenience of the inhabitants thereof.

Section 21. Upon application by petition to the court for the purpose of erecting a new township of the second class, the court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition. The commissioners so appointed, or any two of them, shall make a plot or draft of the township proposed to be erected, if the same cannot be fully designated by natural lines or boundaries; all which they, or any two of them, shall report to the next court of quarter sessions, together with their opinion of the same. At the term following the one at which the report was made, the court shall make such order thereupon as shall be just and reasonable.

Section 22. Whenever commissioners appointed under the twenty-first section of this act shall report unfavorably to the erection of a new township, the court shall direct a second commission or review for the same purposes, on the petition of a majority of the voters of the townships affected by said proceedings. Such petition shall be presented to the court at or before the second term thereof after the final confirmation of the report of the first commission.

Section 23. When a return has been made by commissioners appointed under the twenty-first section of this act favorable to the erection of a new township, the court shall order a vote of the qualified electors of the township from which the largest number of taxables to be embraced in the proposed new township is to be taken, and also of the qualified electors outside of such township residing within the bounds of the proposed new township, to be taken on the question of the erection of a new township.

Section 24. The court shall fix a day upon which the election officers of the township, from which the largest number of taxables to be embraced in the proposed new township is to be taken, shall hold an election at the place fixed by law for holding township elections in said township, which election shall be governed by the laws of this Commonwealth relating to township elections. The ballots for said election shall be in the form prescribed by the general election laws. At such election all qualified electors residing within the districts

mentioned in section twenty-three of this act may vote.

Section 25. The constable of the township in which the election is to be held, or, if there be no constable, then one of the supervisors or commissioners designated by the court, shall give at least fifteen days' notice of the time and place of holding said election, by posting not less than six written or printed handbills in public places in each of the townships which are to be divided by the formation of the new township.

Section 26. The election officers, after the polls have been closed, shall count the ballots and certify, before noon of the second day following such election, the number of votes for and against a new township, to the clerk of the court of quarter sessions of the county. The clerk shall, after filing the said returns in his office, lay the same before the court at the next session. If it shall appear that a majority of the votes so taken are for a new township, the court shall thereupon order and decree a new township agreeably to the lines marked out and returned by the commissioners. If a majority of the votes have been given against a new township, no further action shall be had upon said proceedings.

Section 27. When any township of the second class is erected under the provision of this article the court of quarter sessions may authorize the citizens of the new township to hold an election for all township officers, upon such notice and for such terms, not inconsistent with this act, as the court may direct.

Section 28. Whenever a new township is erected by uniting parts of two or more adjoining townships, the court of common pleas of the county, sitting in equity may, upon the application of the proper authorities of such township or townships, by a suit or suits in equity, adjust all matters of indebtedness between the said old townships and the said new township. In the execution of any decree in any such suit or suits, the proper officers of the township liable to pay may levy separate rates of taxation, if necessary, on the said parts of townships so erected into one.

### CHAPTER III.

#### CREATION OF TOWNSHIPS.

##### ARTICLE II.

#### DESIGNATION OF TOWNSHIPS OF THE FIRST CLASS.

Section 30. At any time, not less than one year before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the second class shall present their

petition to the court of quarter sessions, averring that the population of the township is at least three hundred to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to make an enrollment of the inhabitants of the township. The said commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within twenty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper published in the county, once a week for three weeks. If exceptions are filed to the report within the said twenty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation the clerk of the court shall certify to the county commissioners the population of the township, as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

Section 31. In addition to the procedure provided by section thirty of this act, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township in the county has a population of three hundred inhabitants to the square mile. Before the first day of January following the ascertainment of the population by the decennial census of the United States, the county commissioners shall, by proclamation, designate the townships of the first class, if any have the required population. By proclamation, to be issued prior to the first day of January of each of the intervening years, the county commissioners of each county shall designate the townships, if any, which have been ascertained to come within the said conditions under the procedure provided in section thirty of this act, and to be townships of the first class. All proclamations by the county commissioners shall be advertised in two newspapers published in the county. The cost of the advertisement of any such proclamation shall be paid by the township.

Section 32. In all townships designated as townships of the first class the officers provided for by this act for townships of the first class shall be chosen at the municipal election then next ensuing, as provided in chapter five, article one of this act in such cases, and the township government constituted by this act for

townships of the first class shall go into force on the first Monday of January next ensuing said election. At such time all officers provided for townships of the second class shall cease to exist in such township, and the terms of the officers then in office shall expire.

### CHAPTER III.

#### CREATION OF TOWNSHIPS.

##### ARTICLE III.

#### RE-ESTABLISHMENT OF TOWNSHIPS OF THE SECOND CLASS.

Section 35. At any time, not less than two years before the time fixed for taking a decennial census of the United States, whenever twenty or more freeholders residing in any township of the first class shall present their petition to the court of quarter sessions, averring that the township no longer has a population of three hundred to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any proceedings had upon said petition, the court shall appoint a commissioner to make an enrollment of the inhabitants of the township. The commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report the same shall be confirmed nisi. This confirmation shall become absolute unless excepted to within twenty days thereafter, during which time notice of the said filing and confirmation shall be advertised, once a week for three weeks, in a newspaper published within the county, in general circulation in the district to be affected. If exceptions are filed to the report within said twenty days, the court, upon consideration thereof, shall confirm the report or modify the finding. After final confirmation the clerk of the court shall certify to the county commissioners and to the township commissioners the finding, as shown by the proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

Section 36. The county commissioners in every county of the Commonwealth shall, by proclamation issued prior to the first day of January of each year, designate the townships, if any, which, since the last preceding proclamation, have been ascertained to have less than three hundred inhabitants to the square mile and to be townships of the second class. In all townships so designated the officers provided by this act for townships of the second class shall be chosen at the



municipal election then next ensuing; and the township government constituted by this act for townships of the second class shall go into force on the first Monday of December next ensuing such election.

### CHAPTER III.

#### CREATION OF TOWNSHIPS.

#### ARTICLE IV.

#### DIVISION OF TOWNSHIPS.

##### (a) By Petition: Appointment of Commissioners, and Election.

Section 40. The courts of quarter sessions may, upon the presentation of a petition and the bond required by section fifty-five of this act, divide any township of the first or second class so as to suit the convenience of the inhabitants thereof.

Section 41. Upon application by petition to the court, for the purpose of dividing any township of the first or second class, the said court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition. The commissioners so appointed, or any two of them, shall make a plot or draft of the township proposed to be divided, and the division line proposed to be made therein, if the same cannot be fully designated by natural lines or boundaries; all which they, or any two of them, shall report to the next court of quarter sessions, together with their opinion of the same. At the term following the one at which the report was made the court shall make such order thereupon as shall be just and reasonable.

Section 42. Whenever commissioners appointed under the forty-first section of this act shall report unfavorably to the division of any township, the court shall direct a second commission or review for the same purposes, on the petition of a majority of the voters of the township affected by said proceedings. Such petition shall be presented to the court at or before the second term thereof after the final confirmation of the report of the first commission.

Section 43. Whenever a return has been made by commissioners appointed under the provisions of section forty-one of this act favorable to a division, the court shall order a vote of the qualified electors of said township to be taken on the question of a division thereof.

Section 44. The court shall fix a day upon which the election officers of the township proposed to be divided shall hold an election, at the place fixed by law for holding township elections, which election shall be governed by the laws of this Commonwealth relating

to township elections. The ballots for said election shall be in the form prescribed by the general election laws.

Section 45. The constable of the township, or, if there be no constable, then one of the supervisors or commissioners designated by the court, shall give at least fifteen days' notice of the time and place of holding said election, by posting not less than six written or printed handbills in public places in said township.

Section 46. The election officers, after the polls have been closed, shall count the ballots and certify, before noon of the second day following such election, the number of votes for or against a division, to the clerk of the court of quarter sessions of the county. The clerk shall, after filing the said returns in his office, lay the same before the court at the next sessions. If it shall appear that a majority of the votes so taken are for a division, the court shall thereupon order and decree a division of the township agreeably to the lines marked out and returned by the commissioners. If a majority of votes have been against a division, no further action shall be had upon such proceedings.

(b) By Petition of Property Owners, and Election.

Section 50. Whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the first or second class shall make application by petition to the court of quarter sessions, setting forth that the convenience of the inhabitants of such township will be promoted by a division thereof, and shall in said petition accurately describe the proposed division line by courses and distances or natural marks, and accompany the same with a plot or draft showing the existing lines of the township proposed to be divided and the proposed division line, the court shall order a vote of the qualified electors of the township to be taken on the question of such division. The court shall fix a day upon which the election officers of the township proposed to be divided shall hold an election, at the place fixed by law for the holding of township elections, which election shall be governed by the laws relating to township elections.

Section 51. The constable of the township, or, if there be no constable, then one of the supervisors or commissioners designated by the court, shall give at least fifteen days' notice of the time and place of the holding of said election, by posting not less than ten handbills, written or printed, in public places in said township.

Section 52. The ballots to be deposited by the elect-

ors shall be prepared in the form prescribed by the general election law. The officers, after the polls have been closed, shall count the ballots and certify, within two days thereafter, the number of votes for and against division, to the clerk of the court of quarter sessions, and shall file in the office of said clerk the ballots cast at said election. The clerk shall lay said returns and ballots before the court at the next session thereof. If it shall appear that the majority of the votes so taken are "for division," the court shall thereupon order and decree a division of the township agreeably to the lines set forth in the petition. If a majority of votes are "against division," no further action shall be had upon such proceedings. If there is any difficulty in locating the division line described in the petition upon the ground, the court may appoint commissioners for that purpose.

(c) Pay of Commissioners, Surveyors, Artists, and Chain-Carriers.

Section 55. The pay of commissioners appointed to divide townships and to establish township division lines shall be three dollars (\$3.00), the pay of surveyors or artists shall be five dollars (\$5.00), and the pay of chain-carriers shall be one dollar and fifty cents (\$1.50), for each day necessarily employed, and five cents per mile for each mile necessarily traveled, in the discharge of their duties. The same shall be paid by the county at the time of the session or term of court to which their report is rendered and filed. The petitioners asking for their appointment shall pay the same amount into the county treasury in all such cases as the court, by order, may direct. The court shall require the petitioners to file a bond with their petition. in a sufficient sum to secure the payment of the same.

(d) Adjustment of Indebtedness.

Section 60. Whenever a township of the first or second class has been divided, the court of common pleas of the county sitting in equity may, upon the application of the proper authorities of said townships, or either of them, by a suit or suits in equity, adjust all matters of indebtedness between the said new townships. In the execution of any decree in any such suit or suits the proper officers of the township liable to pay may levy separate rates of taxation, if necessary, on the said parts of townships so divided.

(e) Organization of Townships Formed by the Division of a Township.

Section 65. All townships formed, under the provisions of this article, by the division of any township

of the first or second class, shall be townships of the second class. The part of the township of the first class or of the township of the second class, as the case may be, remaining after such division, shall remain a township of the first class or second class, as the case may be, until determined otherwise. In all townships so formed the officers provided by this act for townships of the second class shall be chosen at the next municipal election occurring at least three months after such formation, and the government constituted by this act for townships of the second class shall go into force on the first Monday of December next following such election.

#### CHAPTER IV.

#### TOWNSHIP LINES AND BOUNDARIES.

#### ARTICLE I.

#### (a) Altering and Ascertaining Township Lines and Boundaries.

Section 70. The courts of quarter sessions may, upon the presentation of a petition, alter the lines of any two or more adjoining townships of the first or second class so as to suit the convenience of the inhabitants thereof, and cause the lines or boundaries of townships to be ascertained and established.

Section 71. Upon application by petition to the court, for the purpose of altering the lines of any township or of ascertaining and establishing the lines or boundaries of any township, the court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition. The commissioners so appointed, or any two of them, shall make a plot or draft of the lines of such adjoining townships proposed to be altered or of the lines proposed to be ascertained and established, if the same cannot be fully designated by natural lines or boundaries; all which they, or any two of them, shall report to the next court of quarter sessions, together with their opinion of the same. At the term following the one at which the report was made the court shall make such order thereupon as shall be just and reasonable.

Section 72. In all cases where commissioners are appointed under the seventy-first section of this act the court shall direct a second commission or review, for the same purposes, on the petition of a majority of the voters of the township or townships affected by said proceedings. Such petition shall be presented to the court at or before the second term thereof after the final confirmation of the report of the first commission.

Section 73. Whenever the boundaries of any township or townships have been altered, the court of common pleas sitting in equity may, upon application of the supervisors, commissioners, poor authorities, or school directors, of any such township, poor district, or school district, by a suit or suits in equity, adjust the taxes, debts, and expenses for road, school, and poor purposes between the several townships affected. In the execution of any decree, the officers of the township, poor district, or school district liable to pay may levy separate rates of taxation, if necessary, on the said parts of such townships so affected.

(b) **Ascertaining and Establishing Disputed Lines and Boundaries Between Townships and Townships and Municipalities.**

Section 80. The courts of quarter sessions may, upon the presentation of a petition, ascertain and establish disputed lines and boundaries between two or more townships, between townships and cities, or between townships and boroughs.

Section 81. Upon application by petition to the court, for the purpose of ascertaining and establishing any such disputed lines or boundaries, the court shall appoint three impartial men, one of whom shall be a surveyor. After having given notice to parties interested, as directed by the court, the commissioners shall view the said lines or boundaries. The commissioners, or any two of them, shall make a plot or draft of the lines and boundaries proposed to be ascertained and established, if the same cannot be fully designated by natural lines or boundaries; all of which they, or any two of them, shall report to the next court of quarter sessions, together with their opinion of the same. At the term following the one at which the report was made the court shall make such order thereupon as shall be just and reasonable.

Section 82. Any person interested may petition the court for a review, or may except to the report of the commissioners. When matters of fact are in dispute the court may frame an issue, and certify the same for trial to the court of common pleas.

Section 83. Whenever any such line or boundary is established the court shall cause the same to be marked with stone monuments, placed at intervals not exceeding fifteen hundred feet; and the expense of establishing said line or boundary and the placing of said monuments, when approved by the court, shall be borne equally by the municipalities and townships interested.

## (c) Pay of Commissioners, Surveyors, Artists, and Chain-Carriers.

Section 90. The pay of commissioners appointed to run township lines shall be three dollars (\$3.00), the pay of surveyors or artists shall be five dollars (\$5.00), and the pay of chain-carriers shall be one dollar and fifty cents (\$1.50), for each day necessarily employed, and five cents per mile for each mile necessarily traveled, in the discharge of their duties. The same shall be paid by the county at the time of the session or term of court to which their report is rendered and filed. The petitioners asking for their appointment shall pay the same amount into the county treasury, in all such cases as the court by order may direct. The court shall require the petitioners to file a bond with their petition, in a sufficient sum to secure the payment of the same.

## (d) Centre Line of Navigable Stream as Boundary.

Section 95. Whenever any township of the first or second class is bounded by the nearest margin of any navigable stream, and the opposite township, borough, or city, as the case may be, is also bounded by the nearest margin of the same stream, the middle of such stream shall be the boundary between such townships, township and borough, or township and city.

## CHAPTER V.

## ELECTION OF OFFICERS; VACANCIES IN OFFICE.

## ARTICLE I.

## IN TOWNSHIPS OF THE FIRST CLASS.

## (a) General Provisions.

Section 100. No person shall be eligible to any office in any township of the first class unless he is an elector of the township for which he is chosen.

Section 101. Officers of townships of the first class shall hold their offices until their successors are elected and qualified.

Section 102. The electors of each township of the first class shall elect (a) at least five township commissioners, or, where there are more than five election districts in any township, then as many as there are election districts, (b) one township treasurer, (c) one township assessor and two assistant assessors, and (d) three township auditors.

## (b) Commissioners.

Section 110. At the municipal election in the year one thousand nine hundred and seventeen, and every four years thereafter, there shall be elected, by the

qualified voters of each even-numbered election district of townships of the first class, one township commissioner, who need not reside in the election district for which he is elected; in townships of the first class having five or less election districts, the number of commissioners of such township shall be five. The remaining number of commissioners to which the said township is entitled, as aforesaid, including the commissioners now holding office for the odd-numbered election districts of the said township, shall hold over and continue in said office until the first Monday in January, in the year one thousand nine hundred and twenty. At the township election to be held on the first Tuesday following the first Monday in November, in the year one thousand nine hundred and nineteen, and every four years thereafter, the qualified voters of each odd-numbered election district of every township of the first class shall elect one commissioner, who need not reside in the election district for which he is elected; and the remaining number of commissioners to which the said township is entitled, as aforesaid, shall at the same time be elected by the qualified voters of the whole township. All commissioners hereafter elected shall hold office for the term of four years.

When any township of the first class is organized there shall be elected, at the municipal election following, one township commissioner from each election district, who need not reside in the election district for which he is elected. In any such townships having less than five election districts the number of township commissioners shall be five, and the number of commissioners equal to the difference between five and the number of election districts shall be elected at large. At such election the township commissioners elected in even-numbered districts shall be elected for a term of two years, and the township commissioners elected at large and in odd-numbered districts shall be elected for a term of four years, or vice versa, as the case may be, in order that the terms may harmonize with the elections in townships organized prior to the passage of this act.

After the passage of this act, upon application, the court of common pleas of the proper county shall number all election districts not numbered in townships of the first class, and cause the same to be certified to the county commissioners.

Section 111. The notice of any primary election, or nominating caucus, convention, or meeting, held for the purpose of nominating candidates for the office of township commissioner, and the notice of any election of township commissioners, shall designate for what elec-

tion district of the township each commissioner is to be nominated or elected, as the case may be. In case any one or more of the township commissioners is to be elected by vote of the qualified electors of the township at large, the notice shall so state. The ballots to be cast at any election for township commissioners shall designate, under an appropriate heading, the candidate for the office of township commissioner for whom the qualified electors of the election district are entitled to cast their ballots, and under an appropriate heading the candidate or candidates for the office of township commissioner which are to be elected by the electors of the township at large.

(c) Treasurer.

Section 115. At the municipal election in the year preceding the expiration of the term of the treasurer now in office, or at the municipal election following the designation of a township of the first class, and at the municipal election every four years thereafter, the qualified electors of each township of the first class shall elect a township treasurer. The township treasurer elected under this section shall hold office for a term of four years from the first Monday of January next following his election.

The same person may hold the office of township treasurer and treasurer of the school board, but no township treasurer shall hold the office of township auditor.

(d) Assessor and Assistant Assessors.

Section 120. At the municipal election in the year preceding the expiration of the term of the assessor now in office, or at the municipal election following the designation of a township of the first class, and at the municipal election every four years thereafter, the qualified electors of each township of the first class shall elect a township assessor. The township assessor elected under this section shall hold office for a term of four years from the first Monday of January next following his election.

Section 121. In all townships of the first class now organized the qualified electors shall, at the municipal election preceding the expiration of the term of the assistant assessors now in office, and at the municipal election every four years thereafter, elect two citizens, resident in said township, to be assistant assessors, to take the place of those whose terms expire on the first Monday of January next following such election.

In all townships hereafter designated as townships of the first class the qualified electors of such town-



ship shall, at the municipal election next following such designation, elect two citizens, resident in said township, to be assistant assessors.

All assessors elected under the provisions of this section shall hold their office for a term of four years from the first Monday of January next following their election.

The election of assistant assessors provided for in this section shall extend only to the election of assistant assessors for the valuation of property for taxation, and shall not repeal or affect the provisions of any statute providing for the election of assistant assessors for the performance of duties relating to elections. The assistant assessors elected under this section shall aid the township assessor only in making any triennial assessment of property made during their respective terms of office.

(e) Auditors.

Section 125. In every township of the first class there shall be three auditors, who shall hold their office for a term of four years from the first Monday of January next following their election. These auditors shall be elected as follows:

In townships now organized, at the municipal election preceding the expiration of the term of any of the auditors now in office; and at the municipal election every two years thereafter the qualified electors of each township of the first class shall elect one or two auditors, as the case may be, to take the place of those whose terms expire on the first Monday of January next following such election.

In all townships hereafter designated as townships of the first class, the qualified electors of such townships shall, at the municipal election next following such designation, elect three auditors. Two of the auditors so elected shall hold office for a term of four years, and one for a term of two years. The ballots at any such election shall designate the term for which each auditor is elected. At each municipal election following the electors of such township shall elect one or two auditors, as the case may be, to take the place of those whose terms expire on the first Monday of January next following such election.

No auditor shall at the same time hold the office of constable.

(f) Vacancies in Office.

Section 130. When a vacancy occurs in the office of township commissioner in any township of the first class, by reason of death, resignation, removal from

the township, or otherwise, the court of quarter sessions; upon the petition of ten qualified voters of the district in which the vacancy occurs, may appoint a qualified voter of the township to fill such vacancy. If such petition is not presented to the court within thirty days after such vacancy occurs, the board of township commissioners of the township may appoint a qualified voter of the township to fill the vacancy. In either event the person so appointed shall hold office for the unexpired term of the person whose place he is appointed to fill.

Section 131. The board of township commissioners of townships of the first class may fill any vacancy occurring in the office of township treasurer by death, resignation, removal from the township, or otherwise. The person so appointed shall hold office for the unexpired term of the person whose place he is appointed to fill.

Section 132. When a vacancy occurs in the office of township auditor in any township of the first class, by reason of death, resignation, removal from the township, or otherwise, the court of quarter sessions shall appoint a suitable person to fill such vacancy for the unexpired term of the person whose place he is appointed to fill.

Section 133. Vacancies in the office of assessor or assistant assessors in townships of the first class shall be filled in the manner now provided by law.

#### CHAPTER V.

#### ELECTION OF OFFICERS; VACANCIES IN OFFICE.

#### ARTICLE II.

#### IN TOWNSHIPS OF THE SECOND CLASS.

##### (a) General Provisions.

Section 140. No person shall be eligible to any office in any township of the second class unless he is an elector of the township for which he is chosen.

Section 141. The electors of each township of the second class shall elect (a) three township supervisors, (b) one township assessor, (c) three township auditors, and (d) one tax collector.

##### (b) Supervisors.

Section 145. At the municipal election in the year one thousand nine hundred and seventeen, and at the municipal election every two years thereafter, the qualified electors of each township of the second class shall elect one township supervisor. All township supervisors elected under this section shall hold their office for a term of six years from the first Monday of December next following their election.

Section 146. Whenever a township of the second class is created by the division of a township of the first or second class, under the provisions of chapter three, article four of this act; or whenever a township of the second class is created by re-establishment from a township of the first class, as provided in chapter three, article three of this act; or when a township of the second class is erected under the provisions of chapter three, article one of this act, and, in the latter case, the court so orders,—the qualified electors of such township shall, at the next ensuing municipal election, elect three township supervisors, one for a term of two years, one for a term of four years, and one for a term of six years. The ballot shall designate the term for which each township supervisor is elected. The township supervisors so elected shall hold office from the first Monday of December next following their election.

Biennially thereafter, at each succeeding municipal election, the electors of such township of the second class shall elect one township supervisor for a term of six years, to serve from the first Monday of December next following such election.

#### (c) Auditors.

Section 150. At the municipal election in the year one thousand nine hundred and seventeen, and at the municipal election every two years thereafter, the qualified electors of each township of the second class shall elect one township auditor. All township auditors elected under this section shall hold office for a term of six years from the first Monday of December next following their election.

No auditor shall at the same time hold the office of constable.

Section 151. In all townships of the second class now organized, which have been electing township auditors for four-year terms, an auditor shall be elected at the municipal election in the year one thousand nine hundred and seventeen, for a term of six years, commencing on the first Monday of December next succeeding his election. At every biennial municipal election thereafter an auditor shall be elected, in each of such townships, for a term of six years from the first Monday of December next succeeding his election.

If at any time any of such townships shall be without the required number of auditors provided by this act for townships of the second class, vacancies shall exist, and the court of quarter sessions shall appoint an auditor or auditors to fill such vacancies, the auditors so appointed shall hold office until their successors are elected and qualified under the provisions of this section.

Section 152. Whenever a township of the second class is created by the division of a township of the first or second class, under the provisions of chapter three, article four of this act; or whenever a township of the second class is created by re-establishment from a township of the first class, as provided in chapter three, article three of this act; or when a township of the second class is erected, under the provisions of chapter three, article one of this act, and, in the latter case, the court so orders,—the qualified electors of such township shall, at the next ensuing municipal election, elect three township auditors, one for a term of two years, one for a term of four years, and one for a term of six years. The ballot shall designate the term for which each township auditor is elected. The township auditors so elected shall hold office from the first Monday of December next following their election.

Biennially thereafter, at each succeeding municipal election, the electors of such township of the second class shall elect one township auditor for a term of six years, to serve from the first Monday of December next following such election.

(d) Assessor.

Section 160. At the municipal election in the year one thousand nine hundred and seventeen, and at the municipal election every four years thereafter, the qualified electors of each township of the second class shall elect one township assessor. The township assessor elected under this section shall hold his office for a term of four years from the first Monday of January next following his election.

Section 161. Whenever a township of the second class is created by the division of a township of the first or second class, under the provisions of chapter three, article four of this act; or whenever a township of the second class is created by re-establishment from a township of the first class, as provided by chapter three, article three of this act; or whenever a township of the second class is erected, under the provisions of chapter three, article one of this act, and, in the latter case, the court so orders,—the qualified electors of any such township shall, at the next municipal election, elect one township assessor, for either of the following terms; to wit,—If such election occurs in the year in which an election for assessor is held under the provisions of section one hundred and seven of this act, then such assessor shall be elected for a term of four years. If such election occurs in a year when no assessor is elected under the provisions of said section one hundred and sixty, then such assessor shall be elected for a term of two years.

All assessors elected under this section shall hold their office for a term of two or four years, as the case may be, from the first Monday of January next following their election.

At the municipal election preceding the expiration of the term of any of the aforesaid assessors, and at the municipal election every four years thereafter, an assessor shall be elected for a term of four years, to hold office from the first Monday of January next succeeding such election.

Section 162. The provisions of sections one hundred and sixty and one hundred and sixty-one, relating to the election of assessors in townships of the second class, shall not repeal nor affect the provisions of any statute providing for the election of assistant assessors for the performance of duties relating to elections.

(e) Tax Collector.

Section 170. At the municipal election in the year one thousand nine hundred and seventeen, and at the municipal election every four years thereafter, the qualified electors of each township of the second class shall elect one tax collector to serve for a term of four years, from the first Monday of January next succeeding such election.

Section 171. Whenever a township of the second class is created by the division of a township of the first or second class, under the provisions of chapter three, article four of this act; or whenever a township of the second class is created by re-establishment from a township of the first class, as provided by chapter three, article three of this act; or whenever a township of the second class is erected, under the provisions of chapter three, article one of this act, and, in the latter case, the court so orders,—the qualified electors of such township shall, at the next municipal election, elect one tax collector, for either of the following terms; to wit,—If such election occurs in the year in which an election for tax collector is held under the provisions of section one hundred and seventy of this act, then such tax collector shall be elected for a term of four years. If such election occurs in a year when no tax collector is elected under the provisions of said section one hundred and seventy, then such tax collector shall be elected for a term of two years.

All tax collectors elected under this section shall hold their office for a term of two or four years, as the case may be, from the first Monday of January next following their election.

At the municipal election preceding the expiration of the term of any of the aforesaid tax collectors, and at the municipal election every four years thereafter,

a tax collector shall be elected for a term of four years, to hold office from the first Monday of January next succeeding such election.

(f) Vacancies in Office.

Section 180. If the electors of any township of the second class shall fail to choose a township supervisor, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, or otherwise, the court of quarter sessions shall, upon the presentation of a petition signed by a supervisor and not less than ten voters who are owners of real estate in the township, appoint a person to fill the vacancy for the unexpired term of the person whose place he is appointed to fill.

In all cases where a vacancy occurs in the board of township supervisors from any cause, and within a reasonable time thereafter no petition for the appointment of a person to fill such vacancy has been presented to the court, the two remaining supervisors may appoint a successor to fill the office for the unexpired term. When a vacancy is filled by the remaining supervisors, they shall, within fifteen days thereafter, certify such appointment to the clerk of quarter sessions.

Section 181. When a vacancy occurs in the office of township auditor in any township of the second class by reason of death, resignation, removal from the township, or otherwise, the court of quarter sessions shall appoint a suitable person to fill such vacancy for the unexpired term of the person whose place he is appointed to fill.

Section 182. Vacancies in the office of assessor in townships of the second class shall be filled in the manner now provided by law.

Section 183. If the electors of any township of the second class shall fail to choose a tax collector, or if any person elected to such office shall fail to qualify, or if a vacancy shall occur in the office by death, resignation, or otherwise, the court of quarter sessions shall, upon presentation of a petition of any citizen who is a resident of the township, setting forth the facts, appoint a person to fill the vacancy for the unexpired term of the person whose place he is appointed to fill.

In cases when the person elected to the office shall fail to qualify, the court, before making the appointment, shall declare the office vacant.

Whenever a vacancy exists in the office of tax collector in any township of the second class, and no person resident within the township is willing to accept the appointment to fill such vacancy, the authorities authorized to levy and assess taxes in the township

may petition the court of quarter sessions for the appointment of a tax collector, whereupon the court may appoint any citizen of the county to collect such taxes.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE I.

#### GENERAL PROVISIONS.

Section 190. Every person elected or appointed to any township office in any township of the first or second class shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. A copy of such oath or affirmation shall, within ten days thereafter, be filed with the township secretary.

Section 191. When any officer or employe of any township of the first or second class is required to give bond for the faithful performance of his duties, and such bond is required to be indorsed by a surety company, the township may pay the premium on such bond.

Section 192. If any township officer in any township of the first or second class refuses or neglects to perform his duties, the court of quarter sessions, upon complaint in writing by twenty-five citizens, owners of real estate residing in the township or district, may issue a rule upon such officer to show cause why his office should not be declared vacant and another appointed in his stead. Such rule shall be made returnable not less than two weeks from its date of issue. Upon hearing, and proof that the facts alleged in the complaint are true, the court may declare the office vacant and appoint another in his stead, to hold office during the term of the officer deposed.

Section 193. If such complaint shall allege that the public roads and highways of any township are not maintained in accordance with law, the court may appoint three persons, who shall examine said highways and report to the court their findings. In all such cases the complainants shall first enter security, in such sum as the court may fix, to pay all costs.

Section 194. All officers of townships of the first and second class shall produce all accounts and records, kept as required by this act, for examination and inspection at any reasonable time, on demand of a duly appointed representative of the State Highway Department.

Section 195. County associations of township supervisors, commissioners and other persons officially charged with the construction and maintenance of the

public roads or streets may be formed. Such associations, when formed, shall hold annual or semiannual conventions, at the county-seats of the respective counties or some other suitable place within the county, for the purpose of considering and discussing questions and subjects pertaining to the best methods for the construction, improvement, and maintenance of the public highways and bridges.

Section 196. The supervisors of townships of the second class and commissioners of townships of the first class shall attend such conventions whenever possible. Each township supervisor or commissioner attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the treasurer of the board of supervisors or commissioners the sum of two dollars per day for each day's attendance, and mileage at the rate of three cents per mile traveled, to be computed by the route usually traveled from his place of residence to the place where the convention is held. No township supervisor or commissioner shall be paid for more than two days' attendance in any one year.

Section 197. The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his services such compensation, not exceeding ten dollars per annum, as the other officers may determine. Every township supervisor and commissioner attending such convention may vote in the election of officers. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners and the judges of the court in the county, the assistant engineer and the superintendent of highways of the State Highway Department, in charge of such county, shall be eligible to membership and to hold office, but shall not be entitled to a vote.

Section 198. The county treasurer shall pay to the treasurer of such association, from the county funds, the necessary expenses incurred for the holding of such annual or semiannual convention, including the necessary expenses of the secretary. The total sum thus paid by the treasurer of any county shall not exceed one hundred and twenty-five dollars a year. No payment shall be made to the treasurer of such association until he has presented to the county treasurer an itemized statement of such expenses, verified by affi-



davit. Within thirty days after every such convention the treasurer of such association shall file with the county treasurer an itemized statement, under oath, showing when and where such convention was held, the number of township supervisors and commissioners present, and all the expenses connected with such convention, together with proper vouchers for all such expenses.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE II.

#### TOWNSHIP COMMISSIONERS.

Section 210. The township commissioners shall organize on the first Monday of January of each even-numbered year following their election. They shall assemble for such purpose at their place of meeting at seven-thirty o'clock post meridian. Until otherwise designated by ordinance, the place of meeting shall be the oldest polling-place in the township.

The board shall organize by the election of one of their number as president. The president shall preside at all meetings of the board, and perform such other duties as are specified in this act or which may be prescribed by ordinance.

If a majority of the commissioners shall not attend at the organization meeting, those present may adjourn the meeting from day to day until a majority attend.

Section 211. The board shall meet at least once a month, at such time and such place as may be designated by ordinance. A majority of the members of the board shall constitute a quorum.

Section 212. Each township commissioner shall receive a salary of sixty dollars per year, payable quarterly, as full compensation for the duties imposed by the provisions of this act. A proportionate amount shall be deducted from the salary of any township commissioner for each regular meeting of the board of township commissioners which he fails to attend.

Section 213. The board of township commissioners may appoint one or more supervisors or engineers of highways, and by ordinance specify their duties and fix their salaries. All such officers shall hold office at the pleasure of the board. The board shall employ a sufficient number of workmen, mechanics, and laborers for the proper care of the public roads.

## CHAPTER VI.

## TOWNSHIP OFFICERS.

## ARTICLE III.

## TOWNSHIP SUPERVISORS, TOWNSHIP SUPERINTENDENT, AND ROADMASTERS.

Section 230. The general supervision of road affairs in every township of the second class shall be in the hands of three qualified electors of the township, who shall be styled township supervisors.

Section 231. The supervisors of each township of the second class shall meet, at the place where the auditors of the township meet to perform their duties, on the first Monday in December of each year. The township supervisors shall organize as a board by electing one of their number as chairman. The board shall appoint a treasurer and a secretary, who may or may not be the same person, and who may or may not be a member of the board, or the board may select a trust company or a banking institution to act as treasurer.

Section 232. The township supervisors shall meet for the transaction of business once each month, at a time to be fixed by the board. Two members shall constitute a quorum. Necessary expenses incurred in such meetings, including office rent, stationery, light, and fuel, shall be paid out of the township road funds.

Section 233. The board of township supervisors shall keep minutes of their proceedings, and such other books as they may find necessary in the performance of their duties. All such books shall be open for the inspection of any taxpayer at all reasonable times, and shall be submitted to the township auditors when they meet to audit the accounts of the treasurer and other township officers. The township supervisors shall deliver such books, papers, and accounts to their successors.

Section 234. The board of township supervisors, immediately after their organization, shall divide the township into one or more road districts. They shall employ a superintendent for the entire township, or a roadmaster for each district. Township supervisors may require such superintendent or roadmasters to give bond, with approved security, for the faithful performance of their duties. The superintendent or roadmasters shall be subject to removal by the board of supervisors. The supervisors shall fix the wages to be paid per hour to the superintendent, or roadmasters, and laborers for work on the roads and bridges.

This section shall not prohibit the township supervisors from overseeing and working on the roads themselves. In such case they shall not be required to employ a superintendent or roadmasters.

Section 235. Supervisors who do not act as superintendent or roadmasters shall receive from the township road funds, as compensation, not less than one dollar nor more than four dollars for each monthly meeting which they attend. The amount of the compensation shall be determined by the township auditors. The township auditors shall also allow to the supervisors compensation for making a semiannual inspection of the roads and bridges. The compensation of supervisors, when overseeing or working on roads, shall be fixed by the township auditors, and shall be not less than one dollar and fifty cents, nor more than three dollars, per day.

Section 236. The township superintendent or the roadmasters, under the direction of the board of supervisors, or the supervisors acting as superintendent or roadmasters, subject to the rules and regulations of the State Highway Commissioner, shall:—

First. Have the general care and superintendence of the improvement of the highways and bridges in the township, except as otherwise specially provided.

Second. Cause such highways and bridges to be kept in repair and free from all obstructions, and give the necessary directions therefor; and inspect all highways and bridges during the months of April and October of each year, or at such other times as the board of supervisors or the superintendent may direct.

Third. Divide the township into as many sections as may be necessary for the maintenance and repair of the highways and the opening of highways obstructed by snow.

Fourth. Employ or hire such persons, teams, and implements as may be necessary for the maintenance and repair of highways and bridges, and the removal of obstructions caused by snow, subject to the approval of the board of supervisors. Provide for the organization and supervision of the persons so employed, and work on the roads themselves when directed to do so by the board of supervisors. Records shall be kept, and reports made and filed, giving the names of all persons employed, including supervisors, superintendent, or roadmasters; dates on which work was done, and nature and location of same, with compensation paid to each person and the capacity in which he is employed.

Fifth. Construct and keep in repair all sluices and culverts, and keep the waterways, bridges, and culverts **open.**

Sixth. Cause loose stones lying in the beaten track of every highway to be removed. Stones so removed shall be conveyed to some place from which they will not work back or be brought back into the track by other implements used in repairing or maintaining such highways.

Seventh. Report monthly to the board of supervisors, which report shall contain the matter in the form to be prescribed by the State Highway Commissioner.

Eighth. Attend road meetings and conventions when directed to do so by the board of supervisors.

Ninth. Perform such other duties and have such other powers as may be imposed or conferred by law or the rules and regulations of the State Highway Commissioner.

Section 237. The board of township supervisors may make a contract for the improvement and keeping in repair of not more than ten miles of road. No such contract shall extend over a period of more than four years, nor shall it be given unless approved of and signed by at least two members of the board of township supervisors. Every contractor for road work shall give bond for the amount of such contract, and sign specifications furnished by the township supervisors for the building and care of such contract roads.

Section 238. The board of township supervisors shall annually, on or before the first day of January in each year, make a sworn statement to the State Highway Commissioner, on blanks furnished to them by the State Highway Commissioner, of the whole amount of tax levied during the preceding year for road purposes and the total amount of road taxes collected during the year. They shall specify in such report the amount expended for maintenance or repairs of roads, for opening and building new roads, and for macadamizing or otherwise permanently improving roads; the number of miles of roads thus made, and the total number of miles of township roads in the township. Such report shall also contain the names and addresses of the chairman, members, and secretary and treasurer of the board, and such other matters and things as the State Highway Commissioner may require.

Section 239. It is unlawful for any township supervisor, superintendent, or roadmaster to be interested, directly or indirectly, in any purchase made or contract relating to roads and bridges, except as provided for in this act, or to furnish any materials therefor. Any such person knowingly violating the provisions of this section shall be guilty of a misdemeanor. Upon conviction thereof, any such person shall be sentenced

to pay a fine not exceeding five hundred dollars (\$500), or to be imprisoned for a term not exceeding six months, or both, and shall forfeit his office.

Section 240. Any township supervisor, township superintendent, roadmaster, or contractor, employed to work on the roads, bridges, and highways of any township of the second class, who shall violate any of the provisions of this act, other than those for the violation of which specific penalties are provided, or who shall fail, neglect, or refuse to carry out the provisions of this act, shall, upon conviction before a justice of the peace, be sentenced to pay a fine of not more than fifty dollars, to be collected in the name of the township as other debts of like amount are collected. All such fines shall be paid to the township treasurer, for the use of the road fund.

Section 241. The township supervisors or township superintendents, elected or appointed in pursuance of this act, shall have all the powers and shall perform all the duties imposed by existing laws on supervisors of roads and bridges and highways and road commissioners, or other officers having in charge the township roads, and shall be subject to all responsibilities and penalties imposed upon such officers.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE IV.

#### TOWNSHIP TREASURER.

#### (a) General Provisions.

Section 260. Whenever any moneys are collected in any township of the first or second class, for any special purpose, and are paid into the hands of the treasurer of such township, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any purpose other than that for which such moneys were collected. Every such misapplication shall be a misdemeanor. Upon conviction of such offense, the treasurer shall be punished by a fine of not less than the amount so misapplied, or by imprisonment for not less than three months and not more than one year.

Section 261. If any township treasurer of any township of the first or second class shall neglect or refuse to perform any of the duties of his office, he shall be fined in a sum not exceeding one hundred dollars, and shall be disqualified from holding the office.

## (b) Of Townships of the First Class.

Section 270. The treasurer of each township of the first class shall give bond, in a sum to be prescribed by ordinance, and at least equal to the probable amount of the annual township tax. Such bond shall be subscribed by sureties approved by the township commissioners, or by a surety company duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned for the faithful performance of the duties of his office, for a just account of all moneys belonging to the township funds that may come into his hands from taxation or otherwise, and payment over thereof only in the manner prescribed by law; for the delivery to his successor in office of all papers, books, documents, and other things held in right of his office, and for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts. Said bond shall be filed with the township commissioners.

Section 271. The township treasurer shall receive for his duties as treasurer and tax collector for the township a sum equal to five per centum of all township taxes received or collected by him, and, in addition thereto, a sum equal to one per centum on all other moneys received or collected by him for the township, unless a different rate be fixed by ordinance of the township commissioners passed thirty days prior to his election.

Section 272. Every township treasurer shall take charge of all township moneys, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the commissioners and township auditors. He shall annually state his accounts, and lay the same, together with the books and the vouchers, before the township auditors for settlement.

Section 273. The township treasurer shall pay out the moneys, coming into his hands for the fiscal year, only on orders numbered in the order of their issue, signed by the president and attested by the secretary of the board, and designating the appropriation out of which the orders shall be paid. Any township treasurer who shall pay out moneys in his hands except upon such orders, or shall pay out moneys in excess of the appropriations, shall be allowed no credit in the settlement of his accounts for the sum or sums so paid out, nor shall he have any claim or right of action against the township therefor.

Section 274. The township treasurer in townships of the first class, by virtue of his office as treasurer, shall

be tax collector. He shall collect all State, county, township, school, poor, and other taxes, within such township of the first class, levied by authorities empowered to levy taxes. He shall, in addition to the powers, duties, and responsibilities enumerated in chapter eight, article one, have all the powers, perform all the duties, be subject to all the obligations and responsibilities, and receive the same compensation for collecting such taxes other than township taxes, as are now by law vested in, conferred upon, or imposed upon or received by, collectors of the several classes of taxes hereinbefore mentioned.

It is the purpose and intent of this section that no taxes shall be collected in any township of the first class except by the treasurer of the township.

Section 275. The treasurer of every township of the first class shall, before he enters upon the duties of his office as collector of taxes, take and subscribe an oath of office and file the same in the office of the court of quarter sessions, and shall annually enter into a bond to the Commonwealth, in not more than the amount of taxes charged and assessed in the duplicates, with at least two sufficient sureties or one trust or bonding company. The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court. The condition of the bond shall be, that the treasurer shall well and truly pay over or account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him. This bond does not cover the collection and payment over of township or school taxes.

(c) Of Townships of the Second Class.

Section 285. The treasurer appointed by the board of township supervisors in townships of the second class, if an individual, shall give bond, with at least two sufficient sureties to be approved by the auditors of the township, conditioned that the treasurer shall well and truly account for and pay over all moneys collected for the township, and all moneys paid by the State, according to the provisions of this act and received by him, only upon a written order signed by two members of the board of supervisors, for the delivery to his successor in office of all books, papers, and documents, for the payment to him of any balance of money belonging to the township that may remain in his hands, and for the faithful performance of the duties of his office.

Section 286. The township treasurer of townships of the second class shall receive, as compensation for his services, a certain percentage on all moneys re-

ceived and paid by him, which rate shall be settled by the supervisors of the township, with the approbation of the township auditors.

In no case shall the combined amount paid to the secretary and treasurer exceed two per centum of the money paid out by the treasurer, except when the amount would be less than ten dollars (\$10.00).

Section 287. The township treasurer shall receive all moneys due the township, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the supervisors of the township. He shall pay out all moneys received by him on orders drawn by the supervisors of the township. All orders shall be on blanks prepared and furnished by the State Highway Commissioner. He shall annually state his accounts, and lay the same, together with the vouchers, before the township auditors for settlement.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE V.

#### TOWNSHIP SECRETARY.

##### (a) Of Townships of the First Class.

Section 300. The board of commissioners in townships of the first class shall elect a secretary, who must be a qualified voter of the township, and not a member of the board. He shall act as secretary of the board, shall be the official keeper of the minutes, and shall perform such other duties as are prescribed by ordinance of the board. He shall provide suitable books, the cost of which shall be paid out of the township funds, wherein he shall enter all matters of which he is required to keep a record. His salary shall be fixed by ordinance.

Section 301. The secretary of townships of the first class shall keep a record of the appropriations made by the township commissioners and the amounts chargeable thereto. He shall furnish to any person, so requesting, a statement showing the amount available for future charges against any appropriated fund. Any secretary who shall knowingly furnish an incorrect statement shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars.

Section 302. The minute-book and other records and documents of every township of the first class shall be open to the inspection of any taxpayer thereof, his, her, or its agent, upon demand therefor.



Section 303. The township commissioners in townships of the first class, except in those counties having a board for the assessment and revision of taxes for State and county purposes, shall cause the secretary to keep record books, in the form of the indexes kept in the office of the recorder of deeds for the indexing of deeds. In such books the secretary shall enter, when notified by the recorder of deeds of the county as now provided by law, each deed or conveyance of any tract, piece, parcel, or lot of real estate within the township; noting the names of the grantor and grantee, the acreage of the land conveyed, if mentioned, the consideration mentioned in the deed, and the election district or districts in which the same is located, and, if the land conveyed is a lot in a recorded plan, the number by which the same may be designated on the plan. In one such record book conveyances shall be noted in the name of the grantor first, and in another they shall be noted in the name of the grantee.

(b) Of Townships of the Second Class.

Section 310. The secretary in each township of the second class shall be clerk to the board of supervisors. He shall keep a record of the proceedings of said officers, and shall receive such compensation therefor as shall be fixed by the township auditors. The combined amount paid to the secretary and treasurer shall not exceed two per centum of the money paid out by the treasurer, except where the same would amount to less than ten dollars (\$10.00).

Section 311. The secretary shall provide a suitable book or books for the purpose of entering therein all matters of which he is required to keep a record. Such books shall be furnished by the State Highway Department.

Section 312. The books of the secretary shall be open to the inspection of any person who may have occasion to search therein.

CHAPTER VI.

TOWNSHIP OFFICERS.

ARTICLE VI.

TOWNSHIP AUDITORS.

Section 325. The auditors of townships of the first and second class shall meet annually, on the day following the day which is fixed by this act for the organization of the township supervisors or the township commissioners of the several townships, respectively; and

shall audit, settle, and adjust the accounts of the supervisors, commissioners, roadmasters, treasurer, and tax collector of the township. Two auditors shall constitute a quorum.

Any officer whose act or neglect has contributed to the financial loss of any township shall be surcharged by the auditors with the amount of such loss.

Each auditor shall receive two dollars per diem for each day necessarily employed in the duties of his office, to be paid out of the funds of the township.

Section 326. The auditors of each township may issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner as any court of common pleas may in cases depending before them, and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be served and executed by the sheriff or coroner of the county, as the case may require.

The auditors of each county may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise. All persons guilty of swearing or affirming falsely on such examination shall be guilty of perjury.

Section 327. The auditors shall complete their audit, settlement, and adjustment within as short a time as possible. They shall, within ten days thereafter, publish, by advertisement in at least one newspaper of general circulation, printed in the township or county, a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year. They shall also, within ten days thereafter, file a copy of such statement with the secretary, and another copy of such statement with the clerk of the court of quarter sessions. When any two offices are exercised by the same person, only one statement shall be required.

Section 328. The auditors shall cancel all orders and vouchers presented to them, which they find have been paid, by writing the word "audited" on the face thereof.

Section 329. Any auditor neglecting or refusing to comply with the preceding provisions of this article shall pay a penalty of one hundred dollars, to be recovered by suit, instituted in the name of the township, upon the complaint of any taxpayer, in the same manner as debts of like amount are recoverable. Any penalty recovered shall be paid into the treasury of the township.

Section 330. The auditors, in case of a disagreement with any official or board of officials whose accounts they are required to audit, may employ an attorney. Such attorney shall not be employed until reasonable effort to reach an agreement has been made, and only after notice of their intention so to do has been given to said official or board of officials. The compensation for such attorney shall be fixed by the auditors, and shall not exceed the sum of ten dollars per day, nor total in any case more than thirty dollars, unless when an appeal is taken to the courts, in which case the court shall fix the additional compensation for the attorney. The compensation for said attorney shall be paid out of the fund the settlement of which is in dispute, by a warrant drawn by the auditors upon the treasurer of such fund, immediately upon the final settlement of the account.

Section 331. Whenever any person is charged with a sum of money by the report of the township auditors, any taxpayer of the township may enforce the collection thereof, for the benefit of the township, by action or execution, upon filing in the court of common pleas a bond, with one or more sureties, conditioned to indemnify the township from all costs which may accrue in the proceedings.

Section 332. The township, or any taxpayer thereof on its behalf, or any officer whose account is settled or audited by the township auditors, may appeal from any settlement or audit to the court of common pleas, within thirty days after the settlement has been filed in the court of quarter sessions.

Section 333. No appeal by a taxpayer or officer shall be allowed unless the applicant shall enter into recognizance to prosecute the same with effect, and to pay all costs accruing thereon, in case, if the appellant be a taxpayer, he shall fail to obtain a final decision more favorable to the township than that awarded by the auditors, or, in case the appellant be an accounting officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.

Section 334. Whenever an appeal has been taken from the report of the auditors by the township, or by any person charged in such report with any sum of money, any taxpayer of the township may intervene in such appeal, and either prosecute the same, on its behalf, or defend it against the appeal of the person so charged. No taxpayer shall intervene unless he shall file in the court of common pleas a bond, with one or more sufficient securities, conditioned to indemnify the township against all costs accruing by reason of such intervention.

Section 335. When more than one appeal from the report of the auditors is taken, whether by the township, an officer or officers thereof, or by a taxpayer, the court shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 336. Any person interested may order the appeal upon the argument list, and evidence may be taken before any person authorized to administer oaths, upon rule for that purpose served upon the opposite party.

Section 337. Whenever any matter of fact is in dispute the court of common pleas is authorized to frame an issue for the trial thereof.

Section 338. The accounts of the officer or officers in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct, as against any such officer, and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims.

Section 339. After hearing, the court shall file its findings of fact and law and enter judgment in accordance therewith, and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing.

Section 340. In all cases of appeal from the report or audit of township auditors to the court of common pleas, the costs shall abide the event of the suit as in other cases.

Section 341. Any person interested may except to the rulings of the courts, and may appeal therefrom to the Superior or Supreme Court, as in other cases.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE VII.

#### TOWNSHIP POLICE.

Section 355. Upon the petition of twenty-five taxpayers of any township, to the court of quarter sessions, representing that the safety of the citizens and the security of property requires the appointment of one or more deputy constables to act as policemen, the court shall consider said petition. If satisfied of the reasonableness and propriety of the application, the court shall make appointments for such time as to it may seem proper.

Section 356. Such deputy constables shall possess and exercise all the powers of policemen of cities, in the several townships in which they are appointed.

Keepers of jails, lockups, or station-houses shall receive all persons arrested by such policemen for the commission of any offense against the laws of this Commonwealth within the township for which they are appointed.

Section 357. Such deputy constables shall, when on duty, wear a shield with the words "township police" and the name of the township inscribed thereon.

Section 358. The deputy constables shall be paid such compensation out of the township funds as may be approved by the court of quarter sessions. They may be discharged whenever the court appointing them is satisfied that their services are no longer required.

#### CHAPTER VI.

#### TOWNSHIP OFFICERS.

#### ARTICLE VIII.

#### TAX COLLECTORS, ASSESSORS, AND ASSISTANT ASSESSORS.

Section 365. The tax collector of townships of the second class shall collect all State, county, township, school, poor, and other taxes levied within townships of the second class by authorities empowered to levy taxes. He shall, in addition to the powers, duties, responsibilities, and compensation enumerated in chapter eight, article two, have all the powers, perform all the duties, be subject to all the obligations and responsibilities, and receive the same compensation for collecting such taxes other than township taxes, as are now vested in, conferred upon, or imposed upon or received by, collectors of the several classes of taxes hereinbefore mentioned.

Section 366. The collector of taxes of townships of the second class shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same in the office of the court of quarter sessions, and shall annually enter into a bond to the Commonwealth, in not more than the amount of taxes charged and assessed in the duplicates, with at least two sufficient sureties or one trust or bonding company. The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court. The condition of the bond shall be, that the collector shall well and truly pay over or account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him. This bond does not cover the collection and payment over of school taxes.

Section 367. The assessors of townships of the first and second class, and the assistant assessors of townships of the first class, whose election is provided for

in chapter five of this act, shall have all the powers, perform all the duties, be subject to all the obligations and responsibilities, and receive the same compensation as is provided for by existing law.

CHAPTER VII.  
GENERAL POWERS.

ARTICLE I.

OF TOWNSHIPS OF THE FIRST CLASS.

Section 380. Townships of the first class may—

I. Sue and be sued by the name of the township of .....

II. Take and hold real estate within their limits, and also personal property. Such real and personal estate shall be taken and held only for the benefit of the inhabitants of the township, and for such objects and purposes as township rates and levies are authorized by law to be laid for.

III. Make such contracts as may be necessary for carrying into execution the provisions of this act.

Section 381. The corporate power of the township of the first class shall be vested in the board of township commissioners. The board shall have power—

I. To adopt by-laws and ordinances prescribing the manner in which the powers of the township shall be carried out, and generally regulating the affairs of the township. All such ordinances, unless where otherwise provided in this act, shall be published at least once a week for two consecutive weeks in one newspaper of general circulation published in the township, or, if there be no such newspaper, in a newspaper of general circulation published in the municipality nearest to the township. Such ordinance shall not become effective until ten days after the second publication aforesaid.

II. To prescribe fines and penalties, not exceeding fifty dollars in any instance, for the violation of township ordinances, which fines and penalties may be collected by suit brought in the name of the township before any justice of the peace, in like manner as debts of like amount may be sued for by existing laws.

III. To establish and maintain a night-watch and police force, and to define the duties of the same.

IV. To provide for the erection or purchase of a lockup or watch-house, for the detention of vagrants and persons arrested until they can be taken before a justice of the peace for hearing, or be committed to prison or be discharged.

V. To arrest and confine, and to set to work on the roads or elsewhere, all vagrants found in the township.

VI. To take all needful means for securing the safety of persons or property within the township.

VII. To regulate and prohibit shows, circuses, and public amusements of all sorts.

VIII. To purchase tools, implements, machinery, timber, and materials necessary for the making, paving, and repairing of streets and highways, and to employ sufficient number of laborers to make and repair the same.

IX. To prohibit or regulate the running at large of animals.

X. To pass ordinances taxing the owners and harborers of dogs, and to provide for the destruction of all dogs found at large contrary to any ordinance.

XI. To make regulations respecting pig-pens, slaughter-houses, manure-pits, drains, cesspools, and manufactories that are offensive, to abate nuisances prejudicial to public health and public safety, and to collect the cost of such abatement from the person responsible.

XII. To provide, by contract or otherwise, for the collection and removal of ashes and garbage.

XIII. To erect watering-troughs along the highways, at an expense not exceeding twenty dollars, and to keep the same in repair.

XIV. To establish lights along the highways whenever deemed expedient.

XV. To establish lights on and along State highways and turnpike roads running through such township. No such lights shall be established upon State highways, or upon turnpike roads under the jurisdiction of the State Highway Department, until a permit has first been obtained from the State Highway Commissioner.

XVI. To take measures for the extinguishment of fires, either by making annual appropriations towards the maintenance of fire-companies or in such other manner as said board of commissioners may deem proper; and to ordain rules and regulations for the government of such fire-companies and their officers, and to regulate the method to be followed in the extinguishment of fire.

XVII. To enter into contracts with any person or corporation to supply water for fire protection, for a period not exceeding twenty years. No such contract shall be exclusive as against the right of any other water company, nor interfere with the right of such township to erect, maintain, and operate its own water-works.

XVIII. To purchase and maintain engines for the extinguishment of fire, and to make rules and regulations for the management of same.

XIX. To provide and maintain a suitable place for the housing of engines, hose-carts, and other apparatus for the extinguishment of fire. No such building shall be erected or maintained without obtaining the assent of the electors thereof, expressed at an election to be held at the place, time, and under the same regulations, as provided by law for the holding of municipal elections. At such election the judges, inspectors, and clerks shall receive tickets from the electors, which shall be prepared in the manner prescribed by the general election law. In receiving and counting and in making returns of the votes cast the inspectors, judges, and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections, and the vote shall be counted by the court as is now provided by laws for municipal elections. The constables of the township, by direction of the board of township commissioners, shall issue proclamation, ten days prior to date of the municipal election, stating that the qualified electors will vote "For or against building a fire-engine house."

XX. To appropriate moneys for the expenses of Memorial Day services.

XXI. To appropriate money or convey land, either independently or in connection with any county, city, town, borough, or township to the Commonwealth of Pennsylvania, for the purpose of assisting the Armory Board of the Commonwealth in the erection of armories for the use of the National Guard, and to furnish water, light, or fuel, free of cost to the Commonwealth, for use in any armory, and to do all things necessary to accomplish the purposes of this clause.

XXII. To take by right of eminent domain, for the purpose of appropriating to themselves, for the use of the National Guard of Pennsylvania, such public lands, easements, and public property as may be in their possession or control, and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or highway or wharf, but all other public easements and property may be appropriated and used for the purpose herein provided, any limitation of the use thereof by the township, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.



## CHAPTER VII.

## GENERAL POWERS.

## ARTICLE II.

## OF TOWNSHIPS OF THE SECOND CLASS.

Section 385. Townships of the second class may—

I. Sue and be sued by the name of the township of .....

II. Take and hold real estate within their limits, and also personal property. Such real and personal estate shall be taken and held only for the benefit of the inhabitants of the township, and for such objects and purposes as township rates and levies are authorized by law to be laid for.

III. Make such contracts as may be necessary for carrying into execution the provisions of this act.

Section 386. The corporate power of townships of the second class shall be exercised by the township supervisors. They shall have power—

I. To light and illuminate the streets, highways, and other public places of the township with electric light, gas, or other illuminating medium, and to provide for defraying the cost, charges, and expenses thereof; and for such purposes to enter into contracts or agreements with any person, copartnership, association, or corporation, for a period not exceeding five years, for the purpose of securing and maintaining a supply of light.

II. On the petition of the owners of a majority of the lineal feet frontage along any highway or portion thereof in any village within the township, to enter into contract with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said villages with electric light, gas light, or other illuminant.

The township supervisors shall levy, for the maintenance of said lights, an annual tax upon the property abutting upon the said highways and other public places in the district benefited thereby, based upon the assessment for county purposes. Such tax shall be collected in the same manner as other taxes. The collector of taxes shall receive the same commission as on the road tax. No such tax shall be levied against any farm land, nor against any property the residence upon which shall be more than five hundred feet from such highway.

The township treasurer shall receive all such taxes collected for lighting the highways, shall keep the same in a separate account, and pay out the same only upon orders signed by the chairman of the township

supervisors, attested by the secretary. The treasurer shall make a report to the auditors of the township annually.

III. On the petition of the owners of a majority of the lineal feet frontage along any highway or portion thereof in any village within the township, to enter into contract with water companies for the placing of fire-hydrants along said highway, for the protection of property from fire.

The supervisors shall levy, for the maintenance of such fire-hydrants and for the purchase of hose, et cetera, an annual tax upon the property abutting upon said highway in the district benefited thereby, based upon the assessment for county purposes. Such tax shall be collected in the same manner as other taxes. The collector shall receive the same commission as on the road tax.

The township treasurer shall receive all such taxes collected for fire protection, and keep the same in a separate account, and pay the same out only upon orders signed by the chairman of the board of supervisors, attested by the secretary. The treasurer shall make a report to the auditors of the township annually.

IV. To purchase such timber, material, machinery, road-drags, tools, and implements as shall be necessary for making and repairing roads and bridges, and to employ sufficient number of laborers to make and repair the same.

All contracts for the purchase of power-rollers, traction-engines, stone-crushers, concrete-mixers, or road machines for grading or scraping shall be made only after consultation with the superintendent in charge of such county or district, and no such contract shall be valid unless it shall be approved and signed by such superintendent.

V. To erect watering-troughs along the highway, at an expense not exceeding twenty dollars, and to keep the same in repair.

VI. To appropriate moneys for the expenses of Memorial Day services.

VII. To appropriate money or convey land, either independently or in connection with any county, city, town, borough, or township, to the Commonwealth of Pennsylvania, for the purpose of assisting the Armory Board of the Commonwealth of Pennsylvania in the erection of armories for the use of the National Guard, and to furnish water, light, or fuel, free of cost to the Commonwealth, for use in any armory of the National Guard, and to do all things necessary to accomplish the purposes of this clause.

VIII. To take, by right of eminent domain, for the purpose of appropriating to themselves, for the

use of the National Guard of Pennsylvania, such public lands, easements, and public property as may be in their possession or control, and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or highway or wharf, but all other public easements and property may be appropriated and used for the purposes herein provided, any limitation of the use thereof by the township, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

IX. To subscribe for not more than three publications the main subject-matter of which pertains to good roads and road building. Such publication shall be for the joint use of the supervisors, superintendents, and roadmasters of the township.

#### CHAPTER VIII.

#### TAXATION, FINANCE, ROAD FUND.

#### ARTICLE I.

#### IN TOWNSHIPS OF THE FIRST CLASS.

Section 390. The board of township commissioners of townships of the first class shall each year, within sixty days after the first Monday of January, estimate the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required. The tax levied by the township authorities shall be fixed at such figure, within the limit fixed by law, as, with all other sources of revenue, will meet and cover said appropriations. The total appropriation shall not exceed the revenues available for the fiscal year. The ordinance shall be open to the inspection of any taxpayer of said township, or his, her, or its authorized representatives. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous year.

Section 391. No work shall be hired to be done, no materials purchased, no contracts made, and no orders issued for the payment of any moneys, by the authorities of any township of the first class, in any amount which will cause the sums appropriated to specific purposes to be exceeded; nor shall any orders be issued against any appropriated fund at a time when there shall not be sufficient funds in the treasury credited to such fund to meet such orders. No change in the purpose of the appropriations shall be made,

unless by an ordinance, which shall set out in detail the reasons for and character of such change. Such ordinance shall be open to the inspection of any taxpayer, or his, her, or its authorized representative. Nothing in this section shall prevent any such township from borrowing money and thereby increasing its indebtedness to the extent, and in the manner, in which municipal districts are now authorized to incur or increase the same, for the purpose of permanent improvements. In authorizing the issue of obligations or securities for such loans, the township commissioners shall provide that moneys subsequently derived from assessments upon parties benefited by such improvements shall be deposited in the sinking-fund for the payment of the principal and interest of said obligations. If any work shall be done for, or materials furnished to, any township of the first class contrary to the provisions of this act, the township commissioners are hereby prohibited from authorizing payment therefor as a moral obligation or otherwise.

Section 392. No contracts, hirings, or purchases made, or orders or warrants issued, not provided for by an appropriation by the township commissioners as is required by law, or which would cause any appropriation to be exceeded, shall be valid.

Section 393. All contracts or purchases made by any township of the first class, involving the expenditure of over five hundred dollars, shall be in writing, and shall be made with the lowest financially responsible bidder, after notice by the secretary, published once a week for three weeks in one or more newspapers of the county circulating in the township. This section shall not apply in the case of any township of the first class repairing its public highways, except as to any purchases of materials or equipment for the purposes of such repairs.

In every instance in which any contract for any public work, construction, materials, supplies, or other matters or things, for any township of the first class in this Commonwealth, shall be awarded upon competitive bids, it shall be the duty of the authorities authorizing the same to award said contract to the lowest financially responsible bidder; and any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the time and place of meeting of said authorities at which meeting bids shall be publicly opened and read. If, through lack of a quorum or other reason, no meeting shall be held at such time and place, notice of the same kind shall be repeated for the subsequent time and place fixed, and the foregoing provisions as

to bids shall apply. The same course shall be pursued until a meeting shall actually be held for receiving and opening bids. Any contract made in violation of the provisions hereof shall be void.

Section 394. No orders or indebtedness of any previous years shall be paid out of the funds of any fiscal year except as provided in the first section of this article, unless, after the close of the fiscal year, it shall be ascertained that the funds appropriated and available therefor are in excess of the amount required; in which case, such surplus may be applied to such former orders or indebtedness. Any township treasurer who shall pay the orders or indebtedness of any previous year except as herein provided shall be allowed no credit in the settlement of his accounts for any sum so paid out, nor shall he have any claim or right of action against the township therefor.

Section 395. The board of township commissioners may borrow money and issue evidences of indebtedness therefor. The total amount of indebtedness so created shall not exceed two per centum of the county valuation of the property within the township, without the assent of the electors of the township. The rate of interest on any such indebtedness shall not exceed five per centum. No indebtedness shall be incurred or expenditure authorized except by ordinance. To authorize the expenditure of more than one hundred dollars, a special resolution of the board shall be necessary.

When any township of the first class shall borrow money and issue bonds or other securities therefor, except in the case of the giving of notes for temporary loans as may be authorized by law, the commissioners shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks, in at least one newspaper of general circulation published in the county in which such township shall be situated. No bid for such bonds or securities at less than their par value shall be accepted.

Section 396. All disbursements in discharge of township indebtedness duly incurred shall be made by the township treasurer, by virtue of warrants or orders drawn on him by the order of the board of township commissioners, attested by the president or vice-president and secretary of the board. The board shall prescribe by ordinance the manner in which bills for township indebtedness shall be approved for payment.

Section 397. The board of township commissioners may levy taxes upon all property, and upon all occupations within the township, made taxable for township purposes, as ascertained by the last adjusted valua-

tion for county purposes, for the purposes and at the rates hereinafter specified; to wit,—

I. An annual tax for township purposes, not exceeding ten mills.

II. A tax for the purpose of building and maintaining a suitable place for the housing of fire-apparatus.

III. An annual tax, not exceeding one-tenth of one mill, for the purpose of caring for trees planted under the supervision of the shade-tree commission, and for the purpose of publishing notices of meetings to consider the planting, removing, or changing of trees. In lieu of the tax provided for in this clause, the township commissioners may, by specific appropriation, provide for the maintenance of such trees from the general funds of the township.

IV. An annual tax so long as necessary, not exceeding fifty per centum of the rate of assessment for road purposes, for the purpose of procuring a lot and erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith.

This article does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes.

Section 398. In addition to the levies provided for in the preceding section, when it is shown to the court of quarter sessions that the debts due by any township exceed the amount which the township commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may by a writ of mandamus direct the township commissioners, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual instalments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.

Section 399. As soon as possible after the receipt of the duplicate from the county commissioners, as provided in the act of May fifth, one thousand nine hundred fifteen, entitled "An act requiring the county commissioners to furnish to townships of the first class duplicates of the adjusted valuation for taxation purposes within such townships," the board of township commissioners shall deliver a duplicate of the assessment of township taxes to the township treasurer, together with their warrant for the collection of the same.

Section 400. As soon as possible after the receipt of the duplicate, the treasurer shall give public notice thereof by at least ten written or printed notices, to be posted in public places in the township, and by advertisement in a newspaper published in the township, if any such there be, that the duplicate has been issued and delivered to him. A discount of five per centum shall be allowed to any taxpayer who shall make payment in sixty days from the time of such notice.

Section 401. The township treasurer, within thirty days after receiving the tax duplicate, shall notify every taxable whose name appears on such duplicate. Such notice shall contain the rate of taxation, the valuation of the property of such taxable, the occupation of such taxable, and the full amount of taxes for which said taxable is liable for the current year. Such notice shall further state that such taxes are payable, designate a place and time when they shall be paid, and also state the time within which an abatement will be allowed, when the full amount of tax will be collected, and when an additional percentage will be added as a penalty. Such notice shall be mailed to the last known post-office address of each taxable.

Any township treasurer failing to comply with the provisions of this section shall forfeit all commissions on any taxes received and collected by him from any taxable not notified.

Before any allowance is made by the township auditors for commissions due to the township treasurer for taxes collected, the treasurer shall make an affidavit setting forth that he has complied with the provisions of this section.

Section 402. All persons who fail to make payment of any tax charged against them in the duplicate within the period of six months from the date of publication of notice thereof by the township treasurer, as provided in section four hundred and one, shall be charged with a penalty of five per centum additional on the amount of tax, which penalty shall be added to the tax by the treasurer and collected by him or his deputy.

Section 403. At the expiration of three months from the time of receiving the duplicate, the treasurer shall proceed to collect all unpaid taxes from the taxpayers, and to that end may appoint one or more deputy collectors. The treasurer and his deputies shall have and exercise all powers conferred by existing laws on collectors of county and township taxes.

Section 404. The township treasurer may retain, out of the taxes collected, such actual printing and postage expenses as shall be incurred in performing the duties prescribed in this article. Such amounts

shall be adjusted by the township auditors at the time of auditing the treasurer's accounts.

Section 405. The township commissioners shall at all times make abatements or exonerations for mistakes, indigent persons, unseated lands, et cetera, as to them shall appear just and reasonable. The township secretary shall enter in a book or books, to be kept for that purpose, the names of all persons abated or exonerated, together with the reason why, the amount of the tax, and date when made, and give to the treasurer a certificate stating the nature of the tax and the amount exonerated.

Section 406. The accounts of collectors of taxes shall be settled by the township auditors. The treasurer shall state a separate account for each different tax collected by him.

#### CHAPTER VIII.

#### TAXATION, FINANCE, ROAD FUND.

#### ARTICLE II.

#### IN TOWNSHIPS OF THE SECOND CLASS.

Section 420. The board of township supervisors of townships of the second class shall annually, before their organization meeting in December or as soon thereafter as practicable, make a written estimate of the amount of money required for the ensuing year, beginning on the first Monday of December, which shall be filed with the treasurer. Such estimates, for the purpose of aiding the board in determining how much road tax to levy, shall specify—

(a) The amount of money necessary for the maintenance, repair, and improvement of highways, including sluices.

(b) The amount of money necessary for the repair and construction of culverts and bridges.

(c) The amount of money necessary for the purchase, hire, repair, and custody of tools, implements, and machinery.

(d) The amount of money necessary for the payment of debts, or other miscellaneous purpose.

Section 421. The board of township supervisors may levy taxes upon all property, and upon all occupations within the township, made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates hereinafter specified; to wit,—

I. An annual road tax, not later than the fourth Monday of March of each year, not exceeding ten mills, unless the board of supervisors by unanimous action shall, upon due cause shown, petition the court of



quarter sessions; in which case the court may order a greater rate than ten mills, but not exceeding ten additional mills, to be levied. All road taxes shall be collected in cash.

II. A tax for the purpose of building and maintaining a lockup, after obtaining the assent of the electors of the township in the manner provided in section twelve hundred and fifty of this act.

III. Upon the receipt of a petition of a majority of the owners of real estate of the township requesting it, an annual tax, not exceeding five mills, for the purpose of lighting the streets and highways, in the manner provided in section three hundred and eighty-six, clause one of this act, and of defraying the cost, charges, and expenses thereof.

IV. An annual tax so long as necessary, not exceeding fifty per centum of the rate of assessment for road purposes, for the purpose of procuring a lot and erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith.

The taxes authorized to be levied by this section shall be levied upon the last adjusted valuation for county purposes, which valuation shall be furnished to the township supervisors by the county commissioners. If any further adjustment of valuation is made by the county commissioners, after any tax is so levied and before said tax is payable, such adjusted valuation shall be certified to the township supervisors and to the township collector of taxes by the commissioners, and the tax shall be collected on the basis of such adjusted valuation.

This article does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes.

Section 422. In addition to the levies provided for in the preceding section, when it is shown to the court of quarter sessions that the debts due by any township exceed the amount which the supervisors may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may by a writ of mandamus direct the township supervisors, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual instalments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.

Section 423. The township supervisors shall make or cause a duplicate to be made designating the amount of road tax levied against each taxpayer of the township, and also duplicates for all other taxes levied and assessed under the provisions of this article, and shall deliver the same to the township collector, together with a warrant for the collection of the same, which taxes shall be collected as follows; namely,—To all taxpayers who pay their taxes to the collector before June first of each year, an abatement of five per centum shall be made. All road taxes paid to the collector between June first and October first of each year shall be paid in full; and to all road taxes remaining unpaid on the first of October, in each year, the collector shall add five per centum as penalty for such delinquency, and shall collect said penalty in addition to the tax levied, said penalty to be his compensation for collecting said delinquent taxes.

Section 424. Where any duplicate of taxes assessed is issued and delivered to the collector of taxes he shall give public notice, as soon thereafter as conveniently can be done, by at least ten written or printed notices, to be posted in as many public places in different parts of the township. Such notice shall state that the duplicate has been issued and delivered to him.

Section 425. Each tax collector of the several townships of this Commonwealth, within thirty days after receiving the tax duplicate, shall notify every taxable whose name shall appear on such duplicate. Such notice shall contain the rate of taxation, the valuation of the property of such taxable, the occupation of such taxable, and the full amount of taxes for which said taxable shall be liable for the current year. Such notice shall further state that such taxes are payable, shall designate a place and time when they shall be paid; and shall further state the time within which an abatement of tax will be allowed, when full amount of tax will be collected, and when an additional percentage will be added as a penalty. Such notice shall be mailed to the last known post-office address of each of said taxables.

Before any allowance is made by the boards of supervisors for commissions due the collector of taxes, he shall make an affidavit setting forth that he has complied with the provisions of this section.

Section 426. The collector of taxes shall collect the taxes charged in said duplicates and pay over the same to the treasurer or authorities entitled thereto, after deducting his commission for the collection thereof. All taxes collected before the first day of June shall be paid over within fifteen days thereafter

by the collector. All taxes thereafter collected during his term of office shall be paid over at regular intervals of one month. A complete settlement of all taxes collected shall be made by the collector of taxes with the treasurer, not later than three months after the expiration of his term of office.

Section 427. The compensation of the tax collector shall be two per centum on all general road taxes collected prior to the first day of June of each year, and five per centum on all such taxes collected between the first day of June and the first day of October. For the collection of road taxes collected after the first day of October the collector shall receive the penalty added to such taxes, as provided in section four hundred and twenty-three of this act. For the collection of special road taxes and all township taxes other than general road taxes his compensation shall be five per centum of the amount collected.

Section 428. The tax collector shall keep correct accounts of all moneys collected, marking "paid" on his duplicate each taxable, with the amount of tax and the date on which paid. The collector shall, on the first day of each month, make a true statement in writing, to the secretary of the board of supervisors, of all taxes collected during the previous month, giving names of taxables, and amount collected from each, and the total amount received. The collector shall pay over on the first day of each month, to the treasurer, all moneys collected during the previous month, and take his receipt for same. Any tax collector who neglects or refuses to comply with the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than one hundred dollars, or to be imprisoned for a term not exceeding one year, or both.

Section 429. The tax collector may retain, out of the taxes collected by them, such actual printing and postage expenses as shall be incurred by him in performing his duties. Such amount shall be adjusted by the boards of supervisors.

Section 430. The supervisors shall at all times make abatements or exonerations for mistakes, indigent persons, unseated lands, et cetera, as to them shall appear just and reasonable. The township secretary shall enter in a book or books, to be kept for that purpose, the names of all persons abated or exonerated, together with the reason why, the amount of the tax, and date when made, and give to the collector a certificate, directed to the treasurer, stating the nature of the tax and the amount exonerated, in order to make settlement accordingly.

Section 431. The accounts of the collector of taxes shall be settled by the township auditors. The tax collector shall state a separate account for each different tax collected by him.

Section 432. Each township of the second class shall receive annually from the State fifty per centum of the total amount of road tax collected by such township, as shown by the sworn statement of the board of township supervisors, contained in the annual report furnished to the State Highway Commissioner on or before the first day of January in each year. No township shall receive in any one year more than twenty dollars for each mile of township road in said township. Such distribution shall be made on a basis of an average amount to each mile of township road.

Section 433. Upon receipt of the sworn statement from the board of township supervisors, the State Highway Commissioner shall certify to the Auditor General the amount due the respective townships. The Auditor General shall draw a warrant upon the State Treasurer for the payment of the amount due such township, payable to the treasurer of the board of township supervisors, which shall be paid out of the money appropriated for that purpose. No such payment shall be made until the township treasurer has filed with the State Highway Commissioner a certified copy of his bond, nor until the agreement for the expenditure of such State money together with the township's money has been made and approved, as hereinafter provided for.

Section 434. Whenever the township highway funds, together with funds appropriated by the General Assembly for State aid to township roads, have been exhausted, the board of supervisors may issue a certificate of indebtedness, and borrow on the credit of the township money in anticipation of taxes to be collected, to the end that work may be performed in proper season and in accordance with rules and regulations prescribed.

Section 435. Upon the neglect or refusal of the supervisors of any township to carry out the instructions, rules, and regulations of the State Highway Commissioner, then the State Highway Commissioner may withhold from such township the amount to which it would otherwise be entitled for the year in which said neglect or refusal occurred.

Section 436. The State Highway Department shall furnish blanks to the supervisors, in which said supervisors, or a majority of them, shall make a sworn statement that the money has been expended in building, repairing, maintaining, dragging, and improving the township roads according to the instructions, standards, and specifications or the rules and regulations

prescribed by the State Highway Department, so far as the available funds and local conditions make it possible.

Section 437. The provisions of sections four hundred and thirty-three to four hundred and thirty-seven, inclusive, in so far as they provide that each township of the second class shall receive annually from the State fifty per centum of the total amount of road tax collected by such township, but not to exceed twenty dollars per mile, are hereby suspended until the following conditions have been fulfilled:

Instead of fifty per centum of such road tax being paid by the State to the township in the manner provided by said sections, such township shall be entitled to receive annually from the State such fifty per centum, but not exceeding twenty dollars per mile, which, however, shall be first applied to the payment and satisfaction of any deficiency due the township under the provisions of an act approved the twelfth day of April, one thousand nine hundred five (Pamphlet Laws, one hundred forty-two), entitled "An act providing for the election and appointment of road supervisors in the several townships of the second class of this Commonwealth; defining their duties; authorizing them to make, repair, and maintain roads and bridges, let contracts for the same, levy and collect taxes, employ labor, divide townships into districts, appoint roadmasters and treasurer, purchase road-making implements and machines; prescribing penalties for violation of this act; and requiring the road supervisors to report to township auditors and to the State Highway Commissioner, from time to time, and for the payment of a percentage of road tax to townships that abolish the work tax; and for the repeal of all laws, general, local or special, inconsistent herewith or supplied hereby," as amended; and of an act approved the fourteenth day of June, one thousand nine hundred eleven (Pamphlet Laws, nine hundred forty-two), entitled "An act relating to roads; providing for the election and appointment of township supervisors in second class townships; defining their powers, duties, and limitations; relating to road tax, and the expenditures thereof; abolishing the work tax; defining certain duties of the clerk of court; fixing penalties for violation of this act; and making an appropriation to carry out its provisions;" and of an act approved the twenty-second day of July, one thousand nine hundred thirteen (Pamphlet Laws, nine hundred fifteen), entitled "An act relating to roads: providing for the supervision, construction, maintenance, and repair of township roads; relating to road tax; and providing penalties for the violation thereof," until such deficiencies have been paid.

All moneys so appropriated and paid by the Commonwealth in payment and satisfaction of said deficiency, if any, shall be paid out and expended in accordance with the provisions of this act.

Section 438. Moneys levied and collected by the township authorities, or received from the State as aid for township roads, shall be expended at such place and in such manner as may be agreed upon by the board of supervisors. Such agreement, which shall be upon a blank furnished by the State Highway Commissioner, shall be written and signed in triplicate, by a majority, or all, of the members of the board, and shall be approved by the superintendent in charge of such county or district and the State Highway Commissioner, before the same shall take effect, and before the State's money shall be paid to the township treasurer. One of such triplicate copies shall be filed with the township treasurer, one in the office of the superintendent of the county or district, and one with the State Highway Commissioner.

Section 439. The fiscal year in townships of the second class shall expire on the day before the first Monday in December in each year. All receipts, disbursements, contracts, or purchases subsequent to that date shall be chargeable to and entered as of record in the fiscal year following.

#### CHAPTER IX.

#### EMINENT DOMAIN.

#### ARTICLE I.

Section 460. In all cases where the right of eminent domain is conferred by the provisions of this act, townships of the first and second class may enter upon the lands and premises of any person.

Section 461. In all proceedings for the condemnation and appropriation of land and property by the right of eminent domain the petition for the appointment of viewers shall contain allegations specifying any judgments, mortgages, or other claims (hereinafter designated "liens") which are liens upon the land and property sought to be appropriated or condemned.

Section 462. A notice, in such form as the court shall direct, stating a time and place for a hearing to determine the number, amount, and priority of such liens, and the parties entitled thereto, shall be served on the owner of the property and on each of the owners of the liens, at least ten days before the day fixed for such hearing.

Section 463. Testimony shall be taken in such proceedings to ascertain the amounts of such liens and the dates of the entry of the same. The amounts of the

liens and the dates of entry thereof shall be found as facts by the viewers. Certified lists of liens from the courts of the Commonwealth and of the United States shall be prima facie evidence of the existence, dates, amounts, dates of entry, and places of record of said liens, and unless modified or overcome by oral or documentary evidence shall be conclusive upon the parties thereto as to items specified.

Section 464. When it appears that liens exist upon property sought to be condemned and appropriated, a report of the facts found shall be made to the court. Such report shall be subject to exceptions, as regulated by the Supreme Court by general rule. When the court has finally determined the findings in relation to the liens, the court shall make an order directing the payment and distribution of the amount found to be payable as compensation to the parties entitled thereto: First, to the owners of the liens; then, to the owners of the property appropriated. The parties interested shall have the right of appeal from such order of distribution to the Superior or Supreme courts. Payment in accordance with the order of distribution, evidenced by a receipt of record in the proceedings, shall absolutely discharge the party making the payment from all liens by any person, copartnership, association, or corporation as against said property. In such receipt and on the record thereof any claimant may reserve the right to proceed against any other property or assets of the owner of the property condemned, for any balance due upon his lien.

Section 465. Upon payment of the compensation for land or property, in accordance with the order of distribution, title to such land or property shall vest in the township in accordance with provisions of the law under which the appropriation is made, and all claims for compensation shall be thereby paid and satisfied.

Section 466. In eminent domain proceedings all witnesses called may, when duly qualified, state their opinion as to the market value of the property before the exercise of the right of eminent domain and as unaffected by it, and its market value immediately after the exercise of such right. Such witnesses may also—

(a) State in detail and costs all the elements of benefit or damage which they have taken into consideration in arriving at their opinion.

(b) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, add to their opinion of the market value before such exercise the value of all the elements of benefit or advantage, and deduct therefrom all disadvantage or damage.

(c) In all proceedings to assess damages or benefits for the opening of any street, alley, or highway, take into consideration as one of the elements of advantage or disadvantage the cost of the improvements.

Section 467. In all claims for damages against a township, arising from the exercise of the right of eminent domain, the party claiming damages may offer in evidence the value of the property affected as assessed for taxation.

In all cases of the appropriation of land for public use other than for roads, streets, or highways, it shall be unlawful to assess the whole or any portion of the damage done to, or value of the land so appropriated against, other property adjoining or in the vicinity of the land so appropriated.

Section 468. Viewers or juries of view appointed by any court to assess damages and benefits due to the taking, injury, or destruction of private property, in and by the construction or enlargement of any public work, highway, or improvement, shall make their reports within a time which the court shall fix when appointing them. If any of the viewers or juries of view so appointed shall, for any reason appearing sufficient to the court, be unable to file their report within the period so fixed, the said court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 469. Whenever any report of viewers or juries of view, appointed by any court of quarter sessions to assess damages and benefits for the opening, widening, narrowing, or vacating of any road, street, or highway, or the taking of private property in the construction or enlargement of any public work or improvement, is filed, it shall, unless otherwise provided, be confirmed by the court at the expiration of thirty days from the date of its filing, unless exceptions thereto are filed within such time.

The party or parties to whom an award has been made, and from whose award no appeal has been taken, may take such further legal proceedings as may be necessary to enforce payment of the confirmed award, either by writ of mandamus, execution, or otherwise.

Section 470. In all cases of damages assessed against any township of the first or second class for property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an appeal is not provided for, an appeal demanding a jury trial may be taken by either party to the court of common pleas of the county, within thirty days from the filing of the report.



Any such appeal shall be signed by the party taking the same, or by his agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

When no appeal is taken in accordance with the provisions of this section and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for such township, upon petition to the court, after notice as ordered by court, to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

Section 471. When any township has tendered a bond in sufficient sum to secure the owner or lessee for damages, and the same has been accepted, or if the acceptance of such bond has been refused, and it has been filed in and approved by the court, such township shall have the right to immediate possession of the land or property appropriated. If the owner, lessee, or occupier refuses to remove his personal property therefrom, or to give up possession thereof, the township may serve written notice on such owner, lessee, or his agent or the occupier, to remove his personal property therefrom and give up possession of the land or property within sixty days from the date of the service of such notice.

Section 472. If the owner, lessee, or occupier of said land or property appropriated, refuses or neglects to remove his personal property therefrom and give possession thereof, upon proof of the service of the notice specified in the preceding section of this act, in the office of the prothonotary, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the party entitled thereto full and peaceable possession.

## CHAPTER X.

### DAMAGES FOR INJURY TO PROPERTY.

#### ARTICLE I.

Section 485. The right to damages against townships of the first class is given to all owners or tenants of lands, property, or material abutting on, or through which pass, roads, streets, lanes, or alleys, injured by the laying out, opening, widening, vacating, extending, or grading of such roads, streets, lanes, or alleys, or the changing of the grades or lines thereof, by such townships; the construction and the vacation by such townships of bridges and piers, abutments and

approaches therefor, and the construction by such townships of sewers over, upon, or through such lands or property.

Section 486. All juries of view, appointed for assessing damages or benefits for taking, using, occupying or injuring land, property, or material, are directed to assess such damages against townships, and the benefits in connection therewith, and make a report thereof to the court as under existing laws.

Section 487. The right of appeal to the court of common pleas, the right of trial by jury, and the right to file exceptions, are given to any party, not satisfied with such report, whose property has been taken, injured, or destroyed; or where property has been assessed to pay damages for property taken, injured, or destroyed. The right to file exceptions is given to any other interested party, including taxpayers.

Section 488. After disposal of exceptions, or after verdict and final judgment, any interested party may appeal to the Superior or Supreme Court, as in other cases.

#### CHAPTER XI.

#### ROADS, STREETS, AND HIGHWAYS.

#### ARTICLE I.

#### IN TOWNSHIPS OF THE FIRST CLASS.

#### (a) Laying Out, Opening, Widening, Straightening, Vacating, and Relaying Roads, Et Cetera.

Section 495. The board of township commissioners in townships of the first class may enact, ordain, survey, lay out, widen, straighten, vacate, and relay all roads, streets, lanes, and alleys and parts thereof within the township, upon the petition of a majority in interest of the owners of property, through whose lands any such road, street, lane, or alley passes, or upon whose land it abuts, if in the judgment of the board of commissioners it is necessary for the public convenience.

Section 496. No such road, street, lane, or alley shall be laid out and opened through any burial-ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school, or educational or charitable institution or seminary.

Section 497. The board of commissioners shall give ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the board and by the parties interested, at such meeting or any adjournment thereof.

Section 498. After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of granting the prayer of the petition, they shall make written report, together with a draft or survey of the road, street, lane, or alley, fixing the width thereof, and noting the improvements along the line thereof and the names of the owners of property through which the same shall pass or whereon it shall abut. Such report and draft shall be filed in the office of the clerk of the court of quarter sessions.

Section 499. Any citizen or freeholder of the township may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

Section 500. Upon favorable action on such petition by the board of commissioners, and after the expiration of the term allowed for filing exceptions, or upon the order of the court in case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of quarter sessions, or any law judge thereof in vacation, on application by petition by the board of commissioners or any person interested, shall appoint three viewers from the county board of viewers, and shall appoint a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet upon the line of the improvement and view the same and the premises affected thereby.

Section 501. The viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of the county circulating in the township and by handbills posted upon the premises, or otherwise, as the court shall direct having regard to the circumstances of the case.

Section 502. The viewers having been 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, and having viewed the premises and examined the property, shall hear all parties interested and their witnesses. They shall estimate and determine the damages for property taken or injured, and to whom the same are payable.

Section 503. In all cases of assessment of damages for the opening or widening of any street or highway, the award of damages, if any, shall include all damages due to the grade at which said street or highway is to be opened or widened, and the plan attached to the report of the viewers awarding the damages shall have

therein a profile plan showing the existing grade as well as the grade to which said street is to be opened and widened.

Section 504. Whenever viewers are appointed to vacate any road, street, or highway, and the vacation of the same takes no land from the owner abutting thereon, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land had been actually taken.

Section 505. Having estimated and determined the damages, together with the benefits as hereinafter mentioned, the viewers shall prepare a schedule thereof, and give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time, not less than ten days thereafter, and of a place, where said viewers will meet and exhibit said schedule and hear all exceptions thereto and evidence. Notice of the time and place of such meeting shall be given by personal service upon all parties allowed damages or assessed benefits, as shown upon the schedule, if resident in the township, and to all others by publication in newspapers as provided in section five hundred and one of this act.

Section 506. After making whatever changes are deemed necessary, the viewers shall make report to the court, showing the damages and benefits allowed and assessed in each case, and shall file therewith a plan showing the improvements, the properties taken or injured, and the properties benefited thereby. When the report is filed notice thereof shall be given by publication once in the newspaper or newspapers publishing the notice provided for in section five hundred and one of this act. The notice shall state the date of filing of the report, and shall contain a schedule of the damages and benefits as shown therein. It shall further state that, unless exceptions thereto be filed or an appeal for a trial by jury be taken within thirty days from the date of filing the report, it will be confirmed absolutely.

Section 507. The payment of damages may be imposed in whole or in part on the township, or in whole or in part by assessments upon the property benefited by such improvements, as the viewers may determine and the court approve. In the latter case, the viewers appointed to assess damages, having first estimated and determined the same apart from benefits, shall also assess the damages, or so much thereof as they may deem just and reasonable, upon the properties peculiarly benefited by the improvement, according to benefits received in each particular case, including in the assessment all properties that will be benefited thereby,

and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 508. Upon the report of the viewers, or any two of them, being filed in the court, any party may, within thirty days thereafter, file exceptions thereto. The court may confirm the report or modify, change or otherwise correct the same, or change the assessments made therein, or refer the report back to the same or to new viewers, with like power as to their report. Within thirty days from the filing of any report in court, any party whose property is taken or injured may appeal and demand a trial by jury. Any party interested in any assessment of damages or benefits may, within six months after a final decree or final judgment, have an appeal to the Superior or Supreme Court. The court of quarter sessions may order what notices shall be given in connection with any part of said proceedings, and may make all orders it deems requisite.

Section 509. After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any road, street, or alley, notice shall within ten days thereafter be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.

Section 510. The width of a public road in townships of the first class shall not exceed eighty feet.

Section 511. Any township of the first class, adjacent to any city or borough, may lay out and open a public road, within the township, which will be a continuation or extension of a street already opened and traveled by the public within such city or borough, of the same width as the street of which it is a continuation or extension. The opening of such road shall be subject to all of the foregoing provisions governing the laying out and opening of public roads in townships of the first class, excepting as to the width thereof.

Section 512. Townships of the first class may vacate, in whole or in part, all streets, lanes, and alleys within their limits, laid out by this Commonwealth, whenever the same, for the portion to be vacated, shall have remained unopened for a continuous period of thirty years next preceding such vacation.

In exercising this power all proceedings for the ascertaining of damages, and the assessment of benefits incident thereto, shall be as provided in sections four hundred and ninety-five to five hundred and nine, inclusive, of this act.

- (b) Laying Out and Establishing Grades, and Grading, Paving, Constructing, and Repairing Roads, Etc., at Public Expense.

Section 525. The board of township commissioners may lay out, establish, and re-establish grades, and may grade, pave, and construct, all roads, streets, lanes, and alleys within the township lawfully laid out, and keep the same in good order and repair. The board may accept any roads, streets, lanes, or alleys dedicated to public use.

- (c) Paving upon Petition of Two-Thirds of Property Owners, and Curbing or Macadamizing Streets, Etc. Assessment of Two-Thirds of Cost and Expenses upon Abutting Property.

Section 535. Any township of the first class may pave, curb, or macadamize, with brick, stone, or other suitable materials any public street or thoroughfare, or part thereof, laid out and opened in the township. No street or thoroughfare, or any part thereof, shall be paved under the provisions of this section, except upon the petition of two-thirds of the owners of property, representing not less than two-thirds in number of feet front of the properties, abutting on the street or thoroughfare, or the part thereof, proposed to be paved.

Section 536. Two-thirds of the cost and expenses of any such improvement may be collected from the owners of the real estate abutting on such street or thoroughfare, or part thereof, by an equal assessment on the feet front. Such assessment shall be estimated by the person in charge of the work or by other competent authority designated by the township commissioners.

Section 537. All assessments for paving, curbing, or macadamizing, under section five hundred and thirty-six of this act, shall be filed with the township secretary. The secretary shall give thirty days' written or printed notice that the assessments are due and payable to each party assessed, either by service on the owner or agent or left on the assessed premises. If the assessments, or any of them, remain unpaid at the expiration of said thirty days, they shall be placed in the hands of the township solicitor for collection. The

solicitor shall collect the same, together with five per centum additional as attorney's commission, and interest from the completion of the improvement, by a municipal claim filed against the delinquent owner, in like manner as municipal claims are now collected. When an owner has two or more lots against which there is an assessment for the same improvement, all such lots shall be embraced in one claim.

Section 538. The term "owner" means all individuals, corporations, public or private copartnerships, and associations having any title or interest in the property assessed. If the owner to whom notice is required to be given is a nonresident of the township, and his, her, or their place of residence is unknown, or if the ownership of the property cannot be ascertained, the notice shall be posted on the premises and a copy left with the occupant, if there be one.

(d) Grading, Paving, Curbing, Macadamizing, or Otherwise Improving Streets, Etc., Upon Petition of a Majority of Property Owners; and Assessment of Costs, Damages, and Expenses According to Benefits.

Section 550. Townships of the first class may, upon petition of a majority of property owners in interest, based upon the number of feet abutting on the line of the proposed improvement, verified by affidavit of one of the parties to the petition, grade, pave, curb, macadamize, or otherwise improve any street or public alley, or part thereof, within its limits, or which may be in whole or in part boundaries thereof.

Section 551. The majority in interest required for a petition to the township commissioners shall be fixed as of the date of the presentation of the petition. After the passage or approval of any ordinance for the grading, paving, macadamizing, or otherwise improving any street, lane or alley, notice shall, within ten days, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, the date of the passage or approval, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that the petition was so signed, may appeal to the court of common pleas within sixty days from the passage or approval of the ordinance.

Section 552. The court shall determine whether the improvement was petitioned for by the requisite majority. If the court finds that it was not so petitioned for, it shall quash the ordinance. If said court finds that it was so petitioned for, it shall approve the ordinance. If no appeal is taken, or if the court on appeal approves the ordinance, the township may proceed with the improvement. Thereafter all parties interested shall be estopped from denying the fact that the petition was signed by the requisite majority of property owners as required by this act.

Section 553. The township or any person or persons interested may, at any time after such work or labor has been done, or material furnished, or damage done, present a petition in the court of common pleas, or to any law judge thereof in vacation. The court shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty or more than thirty days thereafter, when the viewers shall meet upon the line of the proposed improvement and view the same and the premises affected thereby. The viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers published in the township or of general circulation therein, and by handbills posted upon the premises, or otherwise, as the court shall direct.

Section 554. The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters and things to be submitted to them or in relation to which they are authorized to inquire, and having viewed the premises and examined the property, shall hear all parties interested and their witnesses. They shall estimate and determine the value of property taken, injured, or destroyed, and to whom the same is payable; and shall assess the costs and expenses of the grading, paving, curbing, macadamizing, or otherwise improving said street, lane, or alley, and the damages for property taken, injured, or destroyed, upon the property benefited, according to benefits.

Section 555. The viewers shall prepare a schedule of the damages and benefits as determined in the preceding section, and shall give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time, not less than ten days after the date of such notice, and of a place where said viewers shall meet and exhibit said schedule and hear all exceptions thereto and evidence thereon. Notice of the time and place of such meeting shall be given, in the manner provided by law for the service of a summons in personal actions, upon all parties allowed



damages or assessed benefits, as shown by said schedule, if the parties can be found in the township, or upon an adult person residing on the property affected by the assessment in case the owner or reputed owner cannot be found, and to all other persons by publication in the newspaper in which the first notice of the view was published. When no service is made upon the owner, reputed owner, or upon an adult person residing on the property affected, the notice, where publication thereof has been made, shall be properly served if tacked or conspicuously posted upon the premises.

Section 556. After making whatever changes are necessary, the viewers shall make report to the court, showing damages and benefits allowed and assessed in each case, and shall file therewith a plan showing the improvement; the properties taken, injured, or destroyed thereby, and the properties benefited.

Section 557. The damages sustained and the costs and expenses incurred by making the improvements may be paid either in whole or in part by the township, or in whole or in part by assessments upon the property benefited, as the viewers may determine and the court approve.

If assessments are made on the property benefited, the viewers shall first estimate and determine the damages apart from the benefits, and shall then assess the damages, or so much thereof as they deem just and reasonable, upon the properties peculiarly benefited by the improvements. All property for which damages have been allowed may be included in the assessment, if, in the judgment of the viewers, such properties will be benefited by the improvements. The viewers shall report the assessments to the court. The total assessment for benefits shall not exceed the total costs, damages, and expenses awarded and agreed upon.

Section 558. When said report is filed, notice shall be given by publication once in the newspaper or newspapers publishing the notice provided for in section five hundred and fifty-three of this act. The notice shall state the date of the filing of the report and shall contain a schedule of the damages and benefits as shown therein. The notice shall further state that, unless exceptions to the report are filed or an appeal for a jury trial is demanded within thirty days from the date of its filing, the report will be confirmed absolutely.

Section 559. The viewers may be appointed at any time before or after the entry, taking, appropriation, or injury of any property or materials for constructing said improvements, or before or after the commencement of the improvements. All court costs incurred in the proceedings shall be defrayed by the township.

Section 560. Upon the filing of the report of the viewers, or any two or them, in the court, any party interested may, within thirty days thereafter, file exceptions thereto. The court may confirm the report, or modify, change, or otherwise correct the same, or change the assessments made therein, or refer the report back to the same or new viewers, with like power as to their report. When the report is first filed in court the prothonotary thereof shall mark it confirmed nisi, and in case no exceptions are filed thereto within thirty days he shall enter a decree as of course that the report is confirmed absolutely.

Section 561. Within thirty days after the report is filed any party whose property is taken, injured, or destroyed, or who is assessed benefits, may appeal to the court of common pleas and demand a trial by jury. Upon the trial of any such appeal in court, the report of the viewers, as finally approved, confirmed, modified, or changed by the court, shall be prima facie evidence of the benefits therein mentioned. In case the party appellant does not obtain a verdict more favorable than the report of the viewers, as finally confirmed, modified, or changed, the appellant shall not recover any costs on the appeal.

Section 562. Within six months after the confirmation, modification, changing, or correction of any report, or after the verdict of the jury and final judgment, any interested party may appeal to the Superior or Supreme Court.

Section 563. No such appeals shall prevent the filing of liens by any township of the first class for any assessment made by said report. Upon the final determination of the issue, the court shall make such order as to liens filed as shall appear right and proper.

Section 564. The report as finally confirmed shall be conclusive as to any assessments made therein to pay the costs, damages, and expenses of the improvement.

All assessments for benefits to pay damages, costs, and expenses shall bear interest at the expiration of thirty days after they are finally ascertained and fixed, and shall be payable to the treasurer or proper officer of the township.

Section 565. The right of petition for appointment of the board of viewers, the right of exception thereto and of appeal to the Superior and Supreme Court, is hereby conferred upon any taxpayer of such township who would be affected by the portion of the cost, damages, and expenses imposed upon the township. If the township authorities shall fail, within six months after final decree of confirmation absolute of any report of viewers, to file a municipal lien for the amount of assessment against any owner or reputed owner, any

taxpayer of the township may, within six months thereafter, file such lien on behalf of the township, within said period of six months, and may take any necessary steps for collection and revival thereof. No appeal from the assessment in said report of damages for property taken, injured, or destroyed, or from any assessment of such damages upon properties taken, injured, or destroyed, shall have the effect of delaying the absolute confirmation of the report as to all assessments unappealed from, or from which no appeal shall lie; and, in any proceeding to enforce collection of any lien, no defense shall be permitted to be imposed which might have been set up on exception to or appeal from the report of said viewers.

- (e) Grading, Paving, Curbing, Macadamizing, or Otherwise Improving Connecting Streets, Et Cetera.

Section 585. Townships of the first class may, without petition of property owners, grade, pave, curb, macadamize, and otherwise improve public streets and thoroughfares, or parts thereof, when said streets or thoroughfares do not exceed one thousand feet in length and connect two streets or thoroughfares theretofore paved or improved.

Section 586. The ordinance authorizing such improvement shall be adopted by an affirmative vote of three-fourths of the members of the board of commissioners of the township. No such ordinance shall be finally adopted in less than thirty days from the date of its introduction. Copies of such ordinance shall be published in a newspaper in the township, or circulating therein, once a week for two weeks, and by at least five handbills posted along the proposed improvement ten days before the final passage of such ordinance, and by mailing a notice to each owner of property abutting on said improvement, at his last known post-office address, at least ten days before the final passage of such ordinance.

Section 587. The board of commissioners may collect two-thirds of the cost and expense of such improvement from the owners of real estate bounding or abutting thereon, by an equal assessment on the foot-front. Said assessments shall be made and collected as provided in sections five hundred and thirty-five to five hundred and thirty-eight, inclusive, of this act.

(f) Grading, Curbing, Paving, Macadamizing Boundary Streets, Et Cetera.

Section 600. Townships of the first class may enter into agreements with adjoining boroughs for the grading, paving and curbing, or macadamizing, of streets and alleys which may be boundaries between such townships and boroughs; and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon.

Section 601. In grading, paving and curbing, or macadamizing, any such streets or alleys, townships of the first class shall exercise such power upon petition of a majority of the property owners only, in interest and number, abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitioners; a majority in interest of owners of undivided interests in any piece of property to be treated as one person asking that such improvement be made.

Section 602. The portion of the damages, costs, and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in sections five hundred and fifty to five hundred and sixty-four of this act.

(g) Township Aid in the Improvement of County Roads.

Section 610. Whenever the county commissioners are about to improve any road or street in any townships of the first class, and the part of such road or street so to be improved will be less than three-fifths of the total width of said road or street as laid out or dedicated, the board of township commissioners may, by ordinance, enter into an agreement with the county commissioners, providing that the county improve said road or street for a width of twenty-four feet or a width equal to three-fifths (3-5) of the total width of said road or street.

Section 611. Such ordinance shall stipulate that the township shall bear thirty-three and one-third per centum of the total cost of such improvement, and the county shall bear the remaining cost thereof. It shall further provide that the county commissioners may

issue permits determining the manner in which public service or other corporations, or individuals, shall place under such road or streets pipes, conduits, telegraph lines, or other devices. The ordinance shall also provide that, after such road or street is improved, it shall be the duty of the county to keep and maintain such improved road or street in good repair. The township may police such road or street.

Section 612. The board of township commissioners may assess the whole or any part of the one-third (1-3) of the total cost of said improvement upon the real estate abutting upon the improved road or street, according to the foot-front rule or according to benefits, as the board of township commissioners shall by ordinance determine.

Section 613. No ordinance shall be passed providing for the assessment of costs or expenses, as provided in the next preceding section, except upon the petition of a majority in number or of a majority in interest of the owners of property abutting on the line of the proposed improvement, requesting the township commissioners to join with the county commissioners in the improvement of the road or street, which petition shall be verified by the affidavit of one of the petitioners; one-half in interest of owners of undivided interests in any one piece of property shall be treated as one person and sufficient to bind said property for the purpose of such petition.

Section 614. When the costs and expenses, or any part thereof, are to be paid for by the foot-front rule, the township shall assess the cost and expense upon the real estate abutting on the line of the improvement, by an equal assessment on said property in proportion to the number of feet the same fronts on the respective road or street improved. The commissioners may provide for an equitable reduction from the frontage of lots at all street and other intersections, and at other places where, from the peculiar or the pointed shape of the lots, an assessment for the full frontage would be inequitable.

Section 615. When the costs and expenses, or any part thereof, is to be paid for by the real estate abutting, according to benefits, the same shall be assessed by viewers appointed by the court of common pleas in the manner provided in sections five hundred and fifty to five hundred and sixty-four, inclusive, of this act.

#### (h) Plans of Streets.

Section 625. Every township of the first class shall have a general plan of its streets and alleys, including those which have been or may be laid out but not

opened. Such plan shall be filed in the office of the engineer or other proper office of the township, and all subdivisions of property thereafter made shall conform thereto. No streets or alleys, or parts thereof, laid out and confirmed, shall afterwards be altered without the consent of the commissioners of the township. No map or plot of streets or alleys shall be entered or recorded in any public office of the county until approved by the board of commissioners. No person shall be entitled to recover any damages for any improvements placed or constructed within the lines of any street or alley after the same has been located or ordained on the plan provided for by this section.

#### CHAPTER XI.

#### ROADS, STREETS, AND HIGHWAYS.

#### ARTICLE II.

#### GENERAL PROVISIONS.

##### (a) Laying Out Roads Under the General Road Law.

Section 640. Except as otherwise in this act provided, or except as otherwise provided by local or special legislation, all roads wholly within or partly within townships of the second class, and all roads partly within townships of the first class, shall be laid out, widened, changed, or vacated by the courts of quarter sessions, as heretofore, in the manner provided by the general road law and the amendments, additions, and supplements thereto. All damages and benefits occasioned by such laying out and the subsequent opening thereof, or by any such widening, changing, or vacation, shall be assessed, collected, and paid in the manner provided by the general road law and the amendments, additions, and supplements thereto.

##### (b) Opening and Repairing Roads, Et Cetera.

Section 660. Public roads or highways laid out by lawful authority in townships of the first and second class shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All public roads or highways shall at all seasons be kept clear of all impediments to easy and convenient traveling, at the expense of the township.

(c) Opening, Repairing, and Improving Roads and Highways on Division Line of Townships or Townships and Municipalities.

Section 670. Roads or highways laid out on a line which divides two townships shall be opened, made, kept clear and in repair, at the joint and equal charge of such townships. Any township of the first or second class necessarily incurring more than its due proportion of such charge may recover the excess so incurred from the other township.

Section 671. When any public road is laid on the line of two townships, if the commissioners or supervisors of either township neglect or refuse to join with the commissioners or supervisors of the other township in opening or repairing such road, the commissioners or supervisors of the other township shall open, amend, and repair the road, and are authorized to collect a just proportion of the cost of the opening and repairing of such road from the township so neglecting or refusing to join in such opening or repairing. The commissioners or supervisors so neglecting or refusing shall be liable to a penalty of not less than four dollars and not exceeding fifty, to be recovered in a summary proceeding. All such penalties when recovered shall be paid into the township road fund.

Section 672. Whenever the centre line of any highway constitutes the dividing line between a township of the first or second class and any city or borough, the commissioners or supervisors of the township, as the case may be, may, jointly with the county, enter into a contract with the city or borough providing for the grading, curbing, and macadamizing or paving of such highway.

Section 673. Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city or borough, in compliance with the laws governing the construction of such alterations or improvements in such city or borough, and with plans and specifications to be agreed upon, in writing, between the commissioners or supervisors of the township, as the case may be, and the city or borough and the commissioners of the county.

Section 674. The cost of any alteration or improvement shall be borne one-half by the city or borough and one-half by the county and township in equal portions.

The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions, or such other proportions as are agreed upon in the joint contract of the township with the county.

(d) Changing or Altering Roads by Agreement with Property Owners.

Section 685. Whenever the commissioners or supervisors of any township of the first or second class deem it advisable to construct, change, or alter any part of any public road under their supervision, within this Commonwealth, and can agree with the property owners affected by such change as to damages, they may, upon payment of damages agreed upon, change or alter such part of such public road, as contemplated in such agreement, without the formality of a view.

Section 686. No such change or alteration of any part of any public road shall be made the costs and expenses of which, including damages, shall exceed three hundred dollars. A petition setting forth the facts, accompanied by a map or draft of such proposed change, shall be presented to the court of quarter sessions for approval before such actual change is made; whereupon the new location, approved by the court, shall be taken to be the public road and the old location shall be vacated.

(e) Entry on Private Property to Secure Road Material and to Open Ditches and Drains.

Section 695. When road material cannot be conveniently obtained by contract at reasonable prices, the commissioners or supervisors of townships of the first or second class, as the case may be, may enter upon any land or enclosure within their township lying near the road, and dig, gather, and carry upon the road any stones, sand, or gravel which they think necessary to make, maintain, or repair the road. In exercising such right they shall do no unnecessary damage to the owners of the land, and shall repair any breaches of fences which they make.

Section 696. Whenever the commissioners or supervisors and the owners of any such materials cannot agree upon the price to be paid therefor, the value of such materials shall be estimated by any two of such three persons as may be agreed upon by such commissioners or supervisors and owners.



Section 697. If the commissioners or supervisors and owners cannot agree upon any persons to estimate the value of the materials taken, the owner may apply to a justice of the peace residing near the place where such materials were taken. Such justice shall appoint three persons—one on the nomination of the commissioners or supervisors, one on the nomination of the owner of such materials, and the third on his own suggestion. The decision of the persons so appointed, or any two of them, shall be entered upon the docket of such justice. If either party shall, after due notice, refuse or neglect to nominate such person, the justice shall appoint a person in his stead.

Section 698. From any such decision, entered upon the justice's docket, an appeal may be taken by any party aggrieved to the court of common pleas, in the manner provided in section four hundred and seventy-one of this act.

Section 699. The township commissioners or supervisors of townships of the first or second class may enter upon any lands or enclosures, and cut, open, maintain, and repair such drains or ditches through the same as are necessary to carry the water from the roads, streets, lanes, or alleys.

If any person shall stop, fill up, or injure any such drain or ditch, or shall divert or change the course thereof, without the authority of the commissioners or supervisors, such person shall for every such offense forfeit and pay a sum not less than four dollars nor more than twenty dollars.

(f) Opening, Making, Amending, and Repairing Highways and Bridges by Contracts with Taxpayers.

Section 710. Any one or more taxpayers of any township of the first or second class may acquire the right to furnish all the materials and labor necessary for opening, making, amending, and repairing the public highways and bridges of such township, in manner and under the conditions set forth in sections seven hundred and eleven to seven hundred and sixteen, inclusive, of this act.

Section 711. To acquire such right such taxpayers shall, before the beginning of the township fiscal year, present to the court of quarter sessions a petition setting forth that he, she, or it or they, are the owners of property assessed and taxed for road purposes in such township, the approximate number of miles of public road in such township, and the ability of the petitioner or petitioners to lay out, open, make, amend, and repair the public highways and bridges of such

township, wholly at his, her, its, or their own expense, for the ensuing township fiscal year, and to pay the other expenses of such township as hereinafter provided, without any right against or claim upon such township for or by reason of the materials, labor, or money so furnished.

Section 712. The petitioners shall, with the petition, present a bond to the township, in a sum equal to five hundred dollars for each mile of public road in the township, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful performance of said petitioner or petitioners of his, her, its, or their duty, and to save the township harmless from any loss or claim by reason of failure so to perform said duty.

Section 713. Notice of the intention of presenting the petition and bond, and of the time when said petition and bond will be presented to the court, shall be given to the commissioners or supervisors and auditors of the township, at least ten days before the same are presented.

Section 714. When the petition, bond, and proof of the notice required in the preceding section, are presented to the court, the same shall be ordered filed; and the court, being satisfied of the good faith of the petitioners and the sufficiency of the petition, bond, and notice, shall order and direct the commissioners or supervisors, on behalf of the township, to enter into a contract with the petitioner or petitioners. In such contract the petitioner or petitioners shall bind him, her, or itself or themselves:

First. To open, make, amend, and repair the public highways and bridges of the township for the ensuing fiscal year in a lawful and workmanlike manner, wholly at the expense of the petitioner or petitioners, and without creating thereby any claim upon or right against the township for or by reason of the materials, labor, or money for persons employed.

Second. To indemnify and save harmless the township from all claim, damage, cost, or expense of whatever kind, for or by reason of any act or omission of said petitioner or petitioners whereby any claim, suit, or other demand may be set up or recovered against the township.

Third. To pay, within sixty days from the beginning of the fiscal year, to the following officers of such township, the following sums, to be received by said officers in full for all demands against such township for their respective services as such officers of the township for the fiscal years for which the said contract is made, which shall be in lieu of the compensation otherwise in this act provided for such officers; namely,—

To each township secretary, the sum of fifty dollars; to each of the auditors of such township, the sum of twenty-five dollars; to an attorney, to be elected by such supervisors or commissioners as counsel for the township, the sum of fifty dollars; to each supervisor or commissioner, the sum of two hundred and fifty dollars.

Section 715. In consideration of the obligations set out in the preceding section to be assumed and performed by the petitioner or petitioners, the supervisors or commissioners, on behalf of such township, shall stipulate that the township will not assess, levy, or collect any tax for road purposes during the fiscal year for which such contract is made.

Section 716. The commissioners or supervisors shall view and inspect the making and repairing of the roads in such townships, at least once during every month, and satisfy themselves that the petitioners have fully complied with their contract, before final settlement and expiration of contract. If, at any time, the commissioners or supervisors shall see that any portion of the roads need repair, they shall notify the petitioners to repair the same. In case said petitioners fail to repair said road within five days after notice, the commissioners or supervisors are empowered to purchase such materials and employ such men as may be necessary to repair such road, and charge the same to the petitioners.

(g) Streets and Highways Crossing Railroads.

Section 725. Every township of the first or second class constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Section 726. Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Service Commission. The compensation for damages to the owners of adjacent property, taken, injured, or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

(h) Guide-Posts and Index-Boards.

Section 735. The commissioners or supervisors of townships of the first and second class shall erect posts at the intersection of all public roads, where trees are not convenient, and shall firmly fix boards

thereon with index-hands pointing to the direction of such roads. On such boards shall be inscribed in large and legible characters the name of the town, village, or place to which such roads lead, and the distance thereto computed in miles.

Section 736. If any commissioner or supervisor, after ten days' personal notice, neglects or refuses to put up or keep such index-boards in repair, such commissioner or supervisor shall, for every such offense, forfeit a sum not exceeding ten dollars.

Section 737. It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guide-post or sign or index-board erected upon or near any public street, road, or bridge by the authorities of any township, or erected, with the consent of the authorities having jurisdiction over such street, road, or bridge, by any club, association, or other organized body for the direction, guidance, or safety of travelers.

Section 738. All such signs of wood, metal, or other substance, affixed to trees or posts in or upon any highways, properly erected, in such manner that they do not interfere with travel; or upon fences, telegraph, telephone, trolley or other poles, with the permission of the owners thereof; or upon private grounds near roads, where consent has been obtained from the owners and tenants thereof,—shall be within the meaning of the provisions of the next preceding section.

Section 739. Any person violating sections seven hundred and thirty-seven and seven hundred and thirty-eight of this act shall be guilty of a misdemeanor, and shall pay a fine of not less than ten dollars and not more than twenty-five dollars, with all costs of prosecution, together with the value of such sign so destroyed, removed, or defaced. In default of payment of said fine, costs, and expenses, he shall undergo an imprisonment in the county jail for not less than five nor more than sixty days.

#### (i) Protection of Highways from Snow-Drifts.

Section 750. Whenever any highways, in townships of the first or second class, are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and in the judgment of the supervisors or commissioners, as the case may be, such drifts of snow can be avoided by the removal of any fence erected along either side of such highway and replacing the same by a fence constructed of posts, wire, and boards, or rail, combined, such supervisors or commissioners may agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire,

and board, or rail, combined. The township may pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.

(j) Laying Out and Opening Roads Leading to Driving-Parks, Fair-Grounds, Et Cetera.

Section 760. The commissioners or supervisors of townships of the first or second class, as the case may be, shall, upon the petition of persons interested in maintaining grounds as driving-parks, fair-grounds, places of holding annual Grand Army or soldiers' or sailors' encampments or reunions, or township and general elections, asking for roads across the improved lands of any person, from any public road or highway to said grounds, go upon the lands described in such petition and view the same. If the commissioners or supervisors decide that there is occasion for such road, they shall proceed to lay out the same, and shall assess such damage as, in their opinion, the owner of said improved lands will sustain by the opening of such road.

Section 761. The amount of damage, if accepted by the owner of said improved lands, shall be paid by the persons at whose request such road was laid out. On the payment of such damages, the persons at whose request said road was laid out may open the same for the use for which it was designed. If required by the owner of the land, the persons opening such road shall fence the same and keep said fences in repair.

Section 762. In case said owner of the lands, through which such road is laid out, does not accept of the amount of damage assessed by said commissioners or supervisors, and the owner of the land and the persons asking for such road cannot agree upon the amount of damage, the persons asking for such road shall make and execute a bond, with sureties, in double the amount of damage assessed by the commissioners or supervisors, and the same shall be submitted to the commissioners or supervisors, and if approved by them the same shall be filed with the township secretary and kept by him for the benefit of the owner of the land.

Section 763. After the approval and filing of said bond, the persons asking for such road shall have the right to open and use the same, and after opening said road the owner of said land shall have the right to the same proceedings, to assess damages against the persons who petitioned for said road, as is now pro-

vided by the general road law for assessing damages for the laying out and opening of public roads. Any party aggrieved by any assessment may appeal to the court of common pleas and demand a trial by jury, in the manner provided in section four hundred and seventy-one of this act. The petition, together with all proceedings thereon, shall be returned to the township secretary, who shall enter the same of record as in other road cases.

(k) Lanes and Alleys Declared Nuisances by Board of Health or Health Authorities.

Section 775. Whenever the board of health or health authorities of any township of the first or second class shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance, and praying that said alley, lane, or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health or health authorities of the township, setting forth that they have declared such alley, lane, or passageway a public nuisance.

Section 776. The court shall thereupon appoint a jury of view of three men from the county board of viewers. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings of the time and place of the first meeting, in such manner as the court shall direct.

Section 777. After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of findings and recommendations as to whether or not such alley, lane, or passageway, or part thereof, should be vacated, and in such report shall award damages and assess benefits to the property affected.

Section 778. The jury shall give notice, in writing, to all parties affected by their report, at least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 779. Any person aggrieved by such report may file exceptions thereto with the jury; whereupon the jury shall reconsider their report, with the exceptions, and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 780. Any person affected by the report shall have an appeal to the court of common pleas within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 781. At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken. The costs, damages, and expenses of such vacation, over and above all benefits, shall be paid by the township.

Section 782. No alley, lane, or passageway shall be vacated in any case where the vacating deprives any lot abutting thereon of the sole means of ingress or egress otherwise than to or from the front line thereof, nor where it was created by grant or contract, and not theretofore accepted by the public.

#### (1) Grades of Highways.

Section 810. In the construction or repair of any highway, in any township of the first or second class, it shall be unlawful to raise such highway above the ordinary grade thereof when a drain or culvert shall be constructed under such highway, or when such highway shall be constructed or repaired over such drain or culvert. That this section shall not be construed in any manner to interfere with the work of the State Highway Department in the reconstruction or improvement of any State highway or State-aid highway, or when a township improves a township road, under the direction, plans, and specifications of the State Highway Department.

#### (m) Assessment of Property Outside Limits of Township for Street Improvements.

Section 820. Whenever any street or alley, entirely within the limits of any township of the first or second class, shall divide such township from any other municipality or township located in the same county, the property on the side of the street or alley, opposite the line of such township of the first or second class, shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such streets or alleys on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within such township of the first or second class for such improvement.

(n) Cutting Trees or Shrubby Within Limits of Highway.

Section 830. Where any highway, in any township of the first or second class, passes through or along forested lands, wild lands, or uncultivated lands, no trees growing within the limits of such highway at a distance beyond fifteen feet on either side of the centre line thereof, and which measure four inches or over in diameter at a point two feet from the surface of the ground, shall be cut down or destroyed by the commissioners, supervisors, or roadmasters employed by them or any other person, without first obtaining the consent of the abutting owners.

Whenever any highway, running through improved or cultivated lands, has been opened, and there are growing, along the roadsides and within the road limits, shrubs or trees not interfering with public travel, no commissioners, supervisors, or roadmasters, or other persons in their employ, shall remove, cut, injure, or destroy, or in any other manner interfere with, such shrubs or trees. If such removal or cutting is absolutely necessary for the purpose of maintaining the highway at its highest efficiency the commissioners, supervisors, or roadmasters, or other persons in their employ, may so cut or remove such shrubs or trees, after notifying the abutting property owners and entering into an agreement with them relating to the removal, cutting, or interference with said shrubs or trees.

Section 831. In either of the cases set forth in the preceding section, if the consent or agreement of the abutting property owners cannot be obtained, the board of commissioners or supervisors may appeal to a judge of the court of common pleas. The judge shall inquire into the facts of the case, and after hearing all parties in interest shall make such order as seems just, having due regard for the demand for road improvement as well as for the preservation of the trees. From such order there shall be no appeal.

Section 832. All logs, cordwood, branch wood, or other forms of wood which shall be derived from the destruction or removal of any trees growing along the highways, shall be surrendered to and remain the property of the abutting owners.

Section 833. The commissioners or supervisors may clear out brush and other refuse from along the sides of the road to the legal width thereof. All such clear-



ing and removal of brush and refuse shall be confined to growth that is within the limits hereinabove described, and to the removal of branches that in any way interfere with public travel. No other injury, by fire, cutting, abrasion, or otherwise, shall be done to the standing timber.

Section 834. If any commissioner, supervisor, roadmaster, or person in their employ, or any other person, shall cut down, kill, or injure any living tree, growing as aforesaid, and of a size four inches in diameter or greater at a point two feet from the surface of the ground, or shall violate any other provision of sections eight hundred and thirty to eight hundred and thirty-three of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a penalty of not more than five dollars for every tree so cut, injured, or destroyed, with costs of suit. Such penalty shall be recovered in an action brought before any justice of the peace of the county wherein the offense was committed. If any defendant, upon conviction for any offense, fails or refuses to pay the fine and costs imposed, or does not give bond with approved surety to pay the same within ten days, he shall be committed to the county jail for not more than thirty days or until he has paid the fine and costs in full.

Section 835. Nothing in sections eight hundred and thirty to eight hundred and thirty-four of this act shall be so construed as to prevent the commissioners, supervisors, or roadmasters, or other persons in their employ, from removing such roadside trees which may be thrown down by the wind or lodged in such position as to be a menace to public travel, or which by reason of any other cause become a source of danger to the public. Every such act of removal shall be made with due regard to the circumstances of the case, so as to preserve the true intent and purpose of this act.

#### (o) Penal Provisions.

Section 845. If any person working upon any road or highway in any township of the first or second class, or if any one in company with such person, shall ask money or reward, or by any means whatever shall extort or endeavor to extort any money, drink, or other thing, from any person traveling upon or near such road or highway, the person so offending shall for every such offense forfeit and pay a sum not exceeding five dollars.

If any township commissioner or township supervisor shall connive at any person so asking, demanding,

or contriving to extort money, drink or any other thing from any person traveling as aforesaid, such commissioner or supervisor shall, for every such offense, forfeit and pay a sum not exceeding ten dollars.

Section 846. If any person shall stop or obstruct any public road or highway in any township of the first or second class, or shall commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and shall not, on notice given by the township commissioners or township supervisors, forthwith remove the obstruction or nuisance and repair the damages done to such road, such person shall, for every such offense, forfeit and pay a sum not less than ten dollars nor more than forty dollars. Nothing in this section shall debar an indictment for any such nuisance, as in case of misdemeanor at common law.

## CHAPTER XII.

### BRIDGES AND VIADUCTS.

#### ARTICLE I.

##### IN TOWNSHIPS OF THE FIRST CLASS.

###### (a) As Part of Road, Street, Highway, Lane, or Alley.

Section 855. Whenever, in the opening, grading, or improving of any road, street, highway, lane, or alley, in any township of the first class, it is necessary to erect or construct any bridge and the piers and abutments therefor, the same may be erected and constructed by the township as part of such road, street, highway, lane, or alley. In any such erection or construction the township may take, use, and occupy private property. All damages shall be awarded and benefits assessed as part of the proceeding to open, grade, or improve the road, street, highway, lane, or alley of which the bridge is a part.

###### (b) Over Railroads.

Section 865. Townships of the first class may build bridges or viaducts over railroads, rivers, creeks, streams, and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts are wholly or partly within the township limits, for the purpose of uniting two or more streets or highways or separate portions of the same street or highway. Such bridges and viaducts must in all cases cross railroads.

Section 866. Townships of the first class may provide for the laying out and opening of the routes or locations for such bridges and viaducts, which shall be

public highways. The proceedings for the laying out and fixing such locations, and for the opening thereof, shall be as provided in sections five hundred and fifty-three to five hundred and sixty-four, both inclusive, of this act, except that no petition of property owners shall be required therefor.

Section 867. In case the township of the first class has not agreed with the owner of any land for the damages done or likely to be done by the erection of any such bridge or viaduct, the township may appropriate the lands and property necessary, and the damages and benefits caused by such appropriation shall be assessed by viewers in the manner provided in sections five hundred and fifty-three to five hundred and sixty-four of this act.

Section 868. The township of the first class may also enter into a contract with the county commissioners, and also with railroads, street railways, and other companies or parties interested, for the building and maintenance of such bridges or viaducts and for the payment of any damages caused by the location or erection thereof.

Section 869. Nothing contained in the preceding section shall authorize a township of the first class to contract with a county for the maintenance of any bridge or viaduct which does not cross a place over which the county is authorized to build bridges; but such viaduct or bridge shall be maintained as a township structure, and the township is authorized to contract with any party interested, except the county, for the maintenance of the same.

Section 870. The contracts herein provided for may stipulate that the township of the first class, county, railroad company, street railway or other company, or party interested, shall pay a certain part of the contract price of the work, including damages, or may stipulate that each shall construct a certain portion of the work, and may provide otherwise for the payment of damages.

Section 871. When any railroad company, street railway or other company, or party interested, agrees to pay a certain portion of the cost of such work, it shall pay the same into the township treasury, and the township treasurer shall pay the same over to the contractor as may be provided in the contract, but the amount to be paid by the county shall be paid directly to the contractor. The agreements may provide for the maintenance of the bridges and viaducts after their erection.

Section 872. After any such contract has been entered into, the township of the first class, in conjunction with the county commissioners, shall have pre-

pared plans and specifications of the entire work, and shall advertise for bids and award the contract to the lowest responsible bidder.

Section 873. The contract for the work shall provide that the county shall pay its part of such bridge or viaduct, and the township shall contract for the other part of the work. The contract as to the township's part shall be based upon the appropriation made by the township for the part of the work for which it had agreed to pay, and the remaining part of the contract price shall be based upon the amounts the other parties have agreed to pay.

Section 874. The contractor shall have a right of action against each party uniting in the contract provided for in sections eight hundred and seventy and eight hundred and seventy-one of this article, for the part thereof agreed to be paid by each party.

Section 875. In case the county commissioners do not unite in the contract, or in case the viaduct does not cross any river, creek, stream, or place over which the county is authorized to build bridges, the township may contract for the construction of such bridge or viaduct and may pay for the entire work, or may contract with all or any of the other parties for such work. Plans and specifications shall be prepared, and advertisement shall be made for bids, by the township, and the contract shall be let in the manner hereinbefore provided.

Section 876. Any of the contracts provided for may be recorded in the recorder's office of the county, and such record shall be notice to all persons who might be affected thereby.

Section 877. Before any railroad which has not contributed to the cost of the construction of any such bridge or viaduct shall be permitted to run its tracks under or upon such bridge or viaduct, it shall enter into a contract with the township to thereafter pay a reasonable part of the upkeep thereof.

## CHAPTER XII.

### BRIDGES AND VIADUCTS.

#### ARTICLE II.

##### GENERAL PROVISIONS.

(a) Over Marshy or Swampy Grounds, Creeks, Rivulets, Gullies, Canals, and Railroads.

Section 890. The commissioners or supervisors of townships of the first or second class, in making and repairing the roads, shall make and maintain within their township sufficient causeways of stone or timber on marshy or swampy grounds. They shall also make

and maintain sufficient bridges over all small creeks, rivulets, deep gullies, canals, and railroads, where the same is necessary for the ease and safety of travelers.

Such bridges over canals or railroads shall not obstruct the railroad or canal over which it is built. Nothing in this section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

Section 891. In the construction and maintenance of such causeways and bridges, all damages shall be awarded and benefits assessed as part of the proceeding to lay out, open, make, or repair the road of which the causeway or bridge is a part.

(b) Over Streams, Railroads, and Canals on Township Boundaries.

Section 900. Where a small creek or a railroad or canal, over which a bridge is necessary, is on the boundary line of two townships, the bridge shall be built and maintained at the joint and equal expense of the townships, by their respective commissioners or supervisors, in the manner directed by sections six hundred and seventy and six hundred and seventy-one of this act in the case of public roads which may be the division line of townships.

Section 901. Whenever a creek, railroad, or canal, over which a bridge is necessary, is on the division line of a township of the first or second class and a municipality, the township shall unite with such municipality in the construction and maintenance of such bridge and pay an equal share of the expenses incident thereto.

Section 902. If a bridge is built over a railroad or canal by virtue of the provisions of sections nine hundred and nine hundred and one of this act, such bridge shall not obstruct the railroad or canal over which it is built. Nothing in said sections shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

(c) Maintenance, Repair, and Rebuilding of Bridges Built by County.

Section 910. Whenever a bridge or part thereof has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the

township or townships of the first or second class in which, or on the boundary line of which, it is located, without rendering the county liable for the same.

(d) Fines and Penalties for the Protection of Bridges.

Section 920. If any other person shall wilfully ride, drive, or lead, or cause another person to ride, drive, or lead, any horse or other beast of burden faster than a walk when crossing any wooden or iron bridge, in any township of the first or second class, having an arch of the length or span of forty-five feet or upwards, such person shall, for every such offense, forfeit and pay a sum not less than five dollars nor more than thirty dollars.

If any person shall wilfully drive or cause to be driven any horned cattle faster than a walk when crossing any such bridge, such person shall, for every such offense, forfeit and pay a sum not less than five dollars nor more than thirty dollars.

If any person shall carry fire over such bridge, except in a lantern or in some vessel in which it will be fully secured, such person shall forfeit and pay the sum of five dollars. The fines herein provided shall not be collected if the notice of the provisions of this section have not been set up in the manner hereinafter required.

Section 921. The commissioners or supervisors of townships of the first or second class shall, within their respective townships, put up and maintain in a conspicuous place, at or near each end of all bridges of iron or other materials erected at the expense of the public and having an arch of the length or span of forty-five feet or upwards, a notice, in large and legible characters, of the fines and penalties provided for the protection of such bridges, under the penalty of a sum not exceeding twenty dollars.

If any such bridge is built across the township boundary line, the township commissioners or supervisors shall put up and maintain such notices only at or near the end of the bridge within their township.

Section 922. All fines and penalties which may be incurred under any of the provisions of sections nine hundred and twenty and nine hundred and twenty-one of this act shall be recoverable, in the name of the Commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are recoverable with costs of suit. One moiety thereof shall be paid to the person recovering the same, and the residue shall be paid into the treasury of the township for the use of the township.

CHAPTER XIII.  
SIDEWALKS.

ARTICLE I.  
IN TOWNSHIPS OF THE FIRST CLASS.

(a) Footways Constructed by Township Along Highways.

Section 950. Townships of the first class may construct footways along the township highways, at the expense of the township.

(b) Establishing Width and Location of Sidewalks.

Section 960. The commissioners of any township of the first class, upon the request of any land owner whose land fronts upon a public highway within such township, may establish the width and location for a sidewalk along each side of said highway along the lands of such owner. The width of the walk on each side of said highway shall not be less than six feet for roads fifty feet in width or less, and for roads over fifty feet in width shall be ten feet in width. When said sidewalks are so established, such land owner shall pay for and keep the same in repair.

(c) Grading, Paving, and Curbing Sidewalks in Villages, Upon Petition of Owners of a Majority of the Frontage in Lineal Feet.

Section 970. Whenever a majority of the owners in lineal feet of property fronting on either side of a public highway in any village in a township of the first class, by petition request that a sidewalk, with or without curbing, be constructed along that side of the highway between certain points, at the expense of the property owners, the board of township commissioners may, by ordinance, require the owners of property abutting on that side of the highway, between designated points, to grade and pave the sidewalk in front of their respective property in the manner prescribed in the ordinance, and also to curb the same if deemed necessary.

The ordinance shall provide for written notice to be given to the property owners to construct such sidewalk in front of their respective properties.

Section 971. If such owners fail to so pave and curb such sidewalk within sixty days from notice of the ordinance, the board of township commissioners may cause the same to be done, and collect the cost thereof from the abutting property owners in proportion to their frontage. If such cost is not paid, the commissioners may file municipal liens therefor against the abutting properties in the court of common pleas, and include therein a penalty of twenty per centum on the amount of the cost of the work.

(d) Laying Out, Grading, Curbing, and Paving Sidewalks Within Towns or Villages.

Section 980. The boards of township commissioners may survey, lay out, enact, and ordain footwalks, pavements, boardwalks, culverts, and drains over and upon the land abutting on turnpike roads, where the same pass through any town or village, and fix the size and width thereof. Damages for any taking or injury of any property, and benefits to any property, caused by any action under this section, shall be assessed and paid for as provided in sections five hundred to five hundred and eight of this act relating to the widening of roads and streets by township commissioners.

The commissioners may require the grading, paving, and curbing of such footwalks, pavements, boardwalks, culverts, and drains by the owners of the land fronting thereon, in accordance with general regulations to be prescribed by ordinance.

Section 981. The board of township commissioners in townships of the first class may require and direct the grading, curbing, and paving of the sidewalks and footwalks along the highways within any town or village by the owners of the lots fronting thereon, in accordance with general regulations prescribed by ordinance.

Section 982. On failure of any owner of land to do any work required under the two preceding sections of this act, within the time prescribed by the township ordinance, the township commissioners may cause the same to be done, and collect from the owners the cost of the work and material, together with a penalty of ten per centum thereon to cover the expense of collection, by filing a municipal claim therefor against the abutting property.



(e) Sidewalks Along Turnpike Roads Within Towns or Villages.

Section 990. Whenever a turnpike road, managed and controlled by a private corporation, runs through any town or village in any township of the first class, the board of township commissioners, having first obtained the written consent of the turnpike company or other corporation having control of such road, may ordain and establish sidewalks along either one or both sides of the turnpike road within the lines of same. The township commissioners may charge the cost of construction of such sidewalk to the owner of the abutting properties according to frontage.

Section 991. The ordinances establishing any such sidewalk shall specify the width thereof, and shall require such grading and filling as is necessary. It shall also specify the kind and character of the pavement, or provide for the construction of a boardwalk in any case, instead of a paved sidewalk. The manner of laying the pavement may be specified in the ordinance, or provided for by general ordinance or by the regulation of a committee of the board.

Section 992. The ordinance shall provide for written notice to be given to the property owners to grade and construct such sidewalk in front of their respective properties within a certain period, not less than thirty days from the date of service of such notice. Service of such notice shall be made by handing the same to the property owner, or by leaving it at his place of residence, if he has one in the county, or, if he does not reside in the county, by mailing the notice to his address, if his address can be obtained. In all cases a copy of such notice shall be served upon the occupant of the premises.

Section 993. Should any property owner fail to comply with the requirements of the ordinance within the time specified in the notice, the board of township commissioners may cause the sidewalk in front of his property to be constructed in accordance with the requirement of the ordinance, and collect the cost thereof, including the costs of grading and any other incidental matters, together with the penalty of ten per centum, by action of assumpsit or by filing a municipal lien against said property.

Section 994. If, at the time of the passage of the ordinance, a sidewalk paved with brick, stone, or concrete has already been constructed by a property

owner in front of his property, the township commissioners may accept such walk as a compliance with the ordinance, although not constructed according to the specifications thereof. If such sidewalk is not accepted, the township shall bear the expense of reconstructing it.

(f) Establishing, Grading, and Curbing Sidewalks  
Along the Sides of any Principal Street or Highway  
Leading to or Connecting Cities, Boroughs,  
Villages, or Places of Public Resort.

Section 1005. The board of township commissioners of any township of the first class may ordain and establish sidewalks within the lines of any principal street or highway in the township, along either one or both sides thereof, leading directly to or connecting cities, boroughs, villages, or places of public resort, for such distance as the board of township commissioners may deem proper, and may provide for the grading and curbing of the same. In case the street or highway is a turnpike or other road managed and controlled by a corporation incorporated under the laws of this Commonwealth, the written consent of the corporation shall first be obtained.

Section 1006. Such sidewalk shall in no case be less than five feet in width, nor leave a roadway of less than twenty feet in the clear.

Section 1007. The ordinance establishing any such sidewalk shall specify the width thereof, and shall require such grading and filling as is necessary. It shall also specify the kind and character of the pavement, or provide for the construction of a boardwalk, instead of a paved sidewalk. The manner of laying the pavement may be specified in the ordinance, or provided for by general ordinance or by the regulation of a committee of the board.

Section 1008. The ordinance shall provide for written notice to be given to the property owners to grade and construct such sidewalk in front of their respective properties, within a certain period, not less than three (3) months from date of the service of such notice. Service of such notice shall be made by handing the same to the property owner, or by leaving it at his place of residence, if he has one in the county, or, if he does not reside in the county, by mailing the notice to his address, if his address can be obtained. In all cases a copy of such notice shall be served upon the occupant of the premises.

Section 1009. When such notice is given on or after the first day of September in any year, the property owners affected shall not be in default for failure to construct the sidewalk until the first day of June of the following year.

Section 1010. Should any property owner fail to comply with the requirements of the ordinance within the time specified, the board of township commissioners may cause the sidewalk in front of his property to be constructed in accordance with the requirements of the ordinance, and collect the proportion of the expense thereof which under the ordinance is chargeable upon the property owner, including the costs of grading and any other incidental matters, together with the penalty of ten per centum, by action of assumpsit or by filing a municipal lien against said property.

Section 1011. The board of township commissioners may charge to the owners of the properties abutting on such sidewalk, according to frontage, such part of the expense of the construction thereof, including grading and curbing, as they deem reasonable. Such part of the expense shall in no case exceed fifty per centum of the total cost of the construction of the sidewalk. The remainder of the expense of the construction of the sidewalk shall be paid out of the township funds.

Section 1012. When any sidewalk has been constructed by an abutting property owner in front of his property, as required by the ordinance, the township commissioners, upon the presentation to them of a receipted bill for the cost of constructing such sidewalk, shall forthwith pay to the property owner the part of the expense of the construction of the sidewalk which, by the terms of the ordinance, is to be defrayed from the township funds. If such part of the expense of the construction of the sidewalk, which is to be defrayed from the township funds, is not paid forthwith to the property owner by the board of township commissioners, the property owner may collect the same in a suit or suits against the township, as debts of like amount are now by law collected.

Section 1013. If, at the time of the passage of the ordinance, a sidewalk paved with brick, stone, or concrete has already been constructed by a property owner in front of his property, the township commissioners may accept such walk as a compliance with the ordinance, although not constructed according to the specifications thereof. If such sidewalk is not accepted, the township shall bear the expense of reconstructing it.

(g) Repair of Sidewalks.

Section 1025. In townships of the first class, where sidewalks have been established by township ordinance,

the owner of the abutting property shall keep the sidewalk immediately in front of his property in good order and repair, and at all times free and clear of all obstruction to safe and convenient passage.

Section 1026. If the owner of any property neglects to perform the duty required of him in the preceding section, the township commissioners may serve written notice upon him requiring him to do what is necessary. If such property owner fails to comply with the requirements of such notice within thirty days from the date of its service, the township commissioners may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten per centum, shall be paid by the delinquent property owner, and may be collected by action, in the name of the township, as debts of like amount are collected, or the township commissioners may file a municipal lien against the property.

Section 1027. The notice provided for in the preceding section may be served on the property owner by leaving the same at his place of residence, or, if he has no residence in the township, then by leaving the same with the tenant or occupant of the premises and mailing a copy thereof to the owner at his last known address.

### CHAPTER XIII.

#### SIDEWALKS.

#### ARTICLE II.

#### IN TOWNSHIPS OF THE SECOND CLASS.

Section 1040. The supervisors of any township of the second class, upon the request of any land owner whose land fronts upon a public highway within such township, may establish the width and location for a sidewalk along each side of said highway along the lands of such owner. The width of the walk on each side of said highway shall not be less than six feet for roads fifty feet in width or less, and for roads over fifty feet in width shall be ten feet in width. When said sidewalks are so established, such land owner shall pay for and keep the same in repair.

Section 1041. The township supervisors of townships of the second class may construct sidewalks of board, plank, or cement, or other suitable material, along the highways, through towns and villages in such townships, upon the petition of the abutting property owners. The expense of the construction of such sidewalk shall be paid by the township and the abutting property owners, in proportion agreed upon between the supervisors and the property owner before the construction of such sidewalk. Not more than ten per centum

of the road taxes raised in the township for the current year shall be used for such purposes.

Section 1042. Supervisors of townships of the second class may regulate, by ordinance, the grade and width of sidewalks constructed along the highways in such townships, and shall have general supervision over the same.

#### CHAPTER XIV.

#### SEWERS AND DRAINS.

#### ARTICLE I.

#### IN TOWNSHIPS OF THE FIRST CLASS.

- (a) Establishing and Constructing Sewer and Drainage Systems, Sewer Connections, and Rates; Disposal of Sewage; Assessment of Cost of Construction.

Section 1070. Townships of the first class may establish and construct a system of sewers and drainage, locating the same, as far as practicable, along and within the lines of the public roads of the township, as seem advisable to the commissioners. The township commissioners may permit, and, where necessary for the public health, require, adjoining and adjacent property owners to connect with and use the same. All persons so connecting shall pay, in addition to the cost of making such connection, a monthly or annual rate prescribed by ordinance. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of law.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

Section 1071. Where it is reasonably impracticable, in the judgment of the commissioners, in any part of such system, to carry such sewers or drains along the lines of public roads, the commissioners may locate and construct so much of the same as is necessary through private lands.

Section 1072. The commissioners shall make the necessary provision for the disposition of the sewage and drainage within, or for carrying the same beyond, the limits of the township; and, to this end, they are hereby authorized to enter into contracts with other municipalities and other corporations or persons, and to purchase, acquire, enter upon, take, appropriate, occupy, and use such lands, rights, and interests therein, within the corporate limits of other townships or boroughs, as shall be necessary for the proper location, construction, maintenance, use, and operation of sewer, main drains or disposal plants, including such lands,

rights, and interests therein as shall be necessary for future additions to and enlargements of such sewage facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Commissioner of Health. In accordance with the provisions of the act of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

Section 1073. In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, or for so much land as is required for the disposition of the sewage, the commissioners may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains, or the boundaries of so much land as is necessary for disposition of such sewage, and occupy the said land for such purposes. For all damage done or suffered, or which accrues to the owner or owners of such land, by reason of the taking of the same, the funds of the township raised by taxation shall be pledged and deemed as security.

Section 1074. The court of common pleas, on application thereto by petition either by the township commissioners or by the owner of the land, may appoint a jury of viewers from the county board of viewers, who shall not be the owners of property or residents in the township, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the land. Ten days' notice of such time and place shall be given to the petitioners and to the other party by the viewers.

Section 1075. The viewers, having been first sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters and things to be submitted to them and in relation to which they are authorized to inquire, and having viewed the premises, shall estimate and determine what amount of damages, if any, has been or may be sustained by reason of such occupation, taking, and use, and to whom the same is payable, and shall make report thereof to court.

Section 1076. When the report is filed in court the same shall be confirmed nisi. Thirty days after the filing of the report, if no exceptions thereto have been filed, nor an appeal to the court for a jury trial is taken, the report shall be confirmed absolutely.

Within thirty days after the filing of the report either party may file exceptions thereto, or appeal to the court and demand a trial by jury.

From such final confirmation of the report or from any judgment on a verdict of a jury, either party may,

within six months, appeal to the Superior or Supreme Court.

Section 1077. The damages as awarded when the report is finally confirmed shall be entered as a judgment, and if the same is not paid within thirty days after the entry thereof execution to enforce the collection thereof may be issued, as in other cases of judgment against townships.

Section 1078. The board of township commissioners of townships of the first class may charge the cost of construction of any system of sewers or drains, constructed by the authority of section ten hundred and seventy of this act, or such portion of the cost thereof as the board deems proper, upon the properties accommodated or benefited thereby. The ordinance provided for such charge shall be adopted by the board within six months from the date of the final completion of such system of sewers and drains.

Section 1079. Whenever a sewer system is constructed by a township of the first class for the accommodation of a certain portion only of the township, the commissioners of such township may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case the commissioners shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by ordinance. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping-stations, et cetera, used jointly by more than one district; the aggregate amount charged on property in any such district shall not exceed the amount of such estimate.

Section 1080. Any amount not properly chargeable upon properties benefited shall be chargeable either upon all property within the sewer district, on a pro rata of the assessed valuation thereof, or else shall be paid out of the general township funds raised by taxation, as the commissioners may decide.

Section 1081. The charge for any such sewer construction in any township of the first class may be assessed upon the properties accommodated or benefited, in either of the following methods, as the board of township commissioners may determine:

(a) By an assessment of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on property of such a character as not to be lawfully subject to such manner of assessment. The ordinance providing for assessment by this method shall specify

the manner in which the charge on each lot shall be calculated and ascertained.

(b) By an assessment in proportion to benefits, whether the property charged abuts on the sewer or not. The amount of the charge on each property to be ascertained as provided in sections ten hundred and eighty-two and ten hundred and eighty-three of this act.

(c) By an assessment of a special sewer tax on all properties located within the sewer district, which shall be levied on the assessed valuations thereof as established for general taxation. Such tax may be levied for a single year or for a term of years, as the commissioners may determine, and shall be collected as other taxes.

When a township is divided into sewer districts the assessment in each district may be by different methods.

Section 1082. In all cases where an assessment according to benefits is adopted, the court of common pleas of the proper county shall appoint three disinterested persons from the board of county viewers as viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewers in question. The viewers, or a majority of them, having been sworn or affirmed to perform their duties with fidelity and impartiality, shall assess upon each piece of land located within the sewer district, which in their opinion is benefited by the construction of the sewer system, whether abutting on a sewer or not, such amount as in their judgment represents the benefit accruing to such lot. In no case shall the viewers, in assessing benefits to private property through which any sewer runs, take into consideration any damages which such property has sustained, but all such damages shall be assessed in the manner provided in sections ten hundred and seventy-four to ten hundred and seventy-seven inclusive of this act. The aggregate of the assessments in any sewer district shall not exceed the amount charged to such district for its share of the cost of the sewer construction.

Section 1083. The viewers, or a majority of them, shall make report in writing, specifying the amount assessed by them on each lot or parcel of land, and shall file the same with the township secretary within the time directed by the ordinance appointing them. After the report is filed the viewers shall cause public notice thereof to be given by publication for two weeks, in two newspapers published in the township, or, if there are not two newspapers so published, then in such other manner as they deem proper. Such advertisement shall state a time, not less than fifteen days after the filing of the report, and a place where the



viewers will meet and exhibit their report, and hear all exceptions and objections thereto on behalf of any property owners or by representatives of the township. After the hearing of such objections the viewers shall make whatever changes they deem proper in their report.

When such revision is made, and the report is made complete and absolute, it shall be presented to a stated meeting of the board of commissioners, who shall by ordinance confirm the same, or may, in their discretion, refer the same back to the viewers for further correction, or may set the same entirely aside and appoint new viewers.

Section 1084. As soon as the amounts of the assessments charged upon the several properties are finally established, either by ordinance making assessments according to frontage or by a report of viewers making assessments according to benefits, the commissioners shall deliver a schedule of such assessments, specifying in each instance the name of the owner, the size and location of the property, and the amount of the assessment, to the township treasurer. Such charges shall be payable to the treasurer, for the use of the township. The commissioners shall also make out bills for the amounts charged against each property, which shall be payable to the township treasurer. The bills shall be forthwith sent to all property owners residing in the township, and mailed to those residing elsewhere whose address is known. Notice shall also be given by publication in such manner as the commissioners may direct.

Section 1085. At the expiration of thirty days from the date of delivery of such schedule to the township treasurer, he shall certify to the township commissioners all amounts then remaining unpaid. The commissioners may file in the court of common pleas a municipal lien against each property for the amount with which it stands charged. Notice to this effect shall be printed on all bills sent out to the property owners.

(b) **Contracts With Individuals or Corporations for Construction and Maintenance of Sewer and Drainage Systems.**

Section 1095. In any case where, under the authority of section ten hundred and seventy of this act, a system of sewage and drainage covering any township of the first class in whole or in part shall have been approved and authorized by ordinance, the commissioners may enter into a contract with any responsible individual or individuals, or corporation, for the construction of such system of sewage or drainage, at

the expense of such individual or individuals, or corporation. He, they, or it shall be entitled, under such contract, to exercise all the powers of the township in the construction, maintenance, and operation of such system of sewage or drainage, with the right to collect such charges in connection therewith as the commissioners prescribe, in as full manner as the same might have been collected by the township or the commissioners. In such contract the commissioners shall reserve to the township the right at any time, or after a prescribed time, to itself take possession of such system of sewage and drainage and its appurtenances, at a price and upon terms to be fixed in the contract.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

(c) Sewers and Drains in Streets or Alleys, or Over Private Property; Assessment of Cost of Construction According to Benefits.

Section 1105. Townships of the first class may construct sewers and drains in any street or alley, or through or on or over private property. The costs, damages, and expenses of the construction of any such sewer or drain shall be assessed and collected in the manner provided in sections five hundred and fifty-three to five hundred and sixty-four, both inclusive, of this act.

(d) Sewers Under State and County Highways.

Section 1115. Townships of the first class may construct sewers and drains in and under any county or State highway within the township boundaries. In case of the construction of sewers upon county highways, the consent of the county commissioners of the county shall first be obtained; and in case of the construction of sewers upon any State highway, the consent of the State Highway Commissioner shall first be obtained.

Section 1116. Whenever sewers have been or shall be laid or constructed by any first class township in and under such highways, such township may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders, in the manner provided in sections five hundred and fifty-three to five hundred and sixty-four of this act.

(e) Connecting With Sewer of Adjoining Municipality.

Section 1125. Any township of the first class may connect with an existing sewer, owned by any ad-

jacent municipality, for sewage purposes, in the manner prescribed in the following sections of this article.

Section 1126. Whenever any township of the first class shall desire to connect with the existing sewer of any adjacent municipality, an application shall be made by the board of commissioners to the court of quarter sessions setting forth that fact.

Section 1127. If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises and investigate the facts of the case and shall assess the proportionate part of the expense of building the original sewer upon such township of the first class, and shall fix the proportion of the expense for repairs which the municipality and the township of the first class shall thereafter bear, and determine all other questions liable to arise in connection therewith.

Section 1128. The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days, unless exceptions there-to are filed. After confirmation of such report, or the disposal of any exceptions, any party interested may appeal from the decision of the court of quarter sessions to the Superior Court.

#### CHAPTER XIV.

#### SEWERS AND DRAINS.

#### ARTICLE II.

#### JOINT SEWERS.

Section 1140. Townships of the first or second class may enter into agreements with municipalities or other townships for the purpose of building sewers, including trunk-line sewers or drains and sewage-disposal plants. Such agreement shall provide for the joint maintenance of the same.

Section 1141. No such sewer or plant shall be constructed until plans and specifications have been submitted to the State Department of Health and approved, in accordance with provisions of the act of April twenty-second, one thousand nine hundred and five (page two hundred and sixty), entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

#### CHAPTER XV.

#### CONTRACTS WITH RAILROADS AND RAILWAYS.

#### ARTICLE I.

Section 1160. The commissioners or supervisors of any township of the first or second class may enter into contracts with any railroad company whose road

enters the township, authorizing such railroad company to relocate, change, or elevate its road within the limits of the township, as in the judgment of the commissioners or supervisors is best adapted to secure the safety of lives and property and promote the interest of the township.

Section 1161. Townships of the first or second class may enter into contracts with any street passenger railway company, surface, elevated, or underground, or motor-power company leasing and operating the franchise and property of such company within the limits of the township; regulating the franchises, powers, duties, and liabilities of such companies and the respective rights of the contracting parties. Such contracts may inter alia provide for payments by the companies to the township, in lieu of the performance of certain duties, or the payment of license fees or charges imposed in favor of such township by the charters of the respective companies or by any general law or ordinances, for the appointment by the township of a certain number of persons to act as directors of such company, in conjunction with the directors elected by the stockholders of such company, and may further provide for the ultimate acquisition by the township, upon terms mutually satisfactory, of the leaseholds, property, and franchises of the contracting companies.

Section 1162. To secure the removal of any street railway tracks, or to prevent the laying of any tracks authorized to be laid, or to change the route of any street railway on any street, a township of the first or second class may enter into a contract with a street railway or motor-power company, owning, leasing, or operating such tracks, for a period not exceeding fifty years, for such considerations and upon such conditions as may be agreed upon.

Section 1163. Such contract may include a covenant providing that during the continuance thereof the consent of the township shall not be granted to any other company to use, for street railway or passenger transportation purposes, any streets covered by such contract. Such covenant may be enforced by bill in equity against the township.

Section 1164. The contract may also provide for the laying or relaying of tracks, upon such terms and upon such conditions as may be agreed upon.

Section 1165. No provision of this chapter shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

## CHAPTER XVI.

## WATER-SUPPLY AND WATER-WORKS.

## ARTICLE I.

## IN TOWNSHIPS OF THE FIRST CLASS.

Section 1180. Townships of the first class may contract with any adjoining municipality, owning a water-works system, for a supply of water for public and private uses to be delivered into the lines of the township at or near the boundary thereof.

This section does not authorize a contract between a township of the first class and a municipality for the supply of water in territory being supplied by a private company.

Section 1181. A township making such contract may, by ordinance, provide and regulate and protect a system of distribution of the water, after a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed in the Department of Health, and a written permit for the construction of such system obtained from the Commissioner of Health, in accordance with the provisions of the act of April twenty-second, one thousand nine hundred and five (Pamphlet Laws, two hundred and sixty), entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

Section 1182. In providing for, regulating, and protecting and extending its system of distribution of water, the township may occupy public highways, and may take, injure, or destroy private property. No highway under the jurisdiction of the State Highway Department shall be occupied until a permit therefor has been obtained from the State Highway Department. Property belonging to or used as a cemetery or a place of public worship, or any public or parochial school, or other educational or charitable institution or seminary, shall not be taken, injured, or destroyed by virtue of this act.

Section 1183. If the compensation and damages arising from such taking, injury, or destruction of private property cannot be agreed upon, the township may tender its bond as security to the party claiming or entitled to any damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of the bond shall be, that the township 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 or assessed in the manner provided in the following sections of this article.

In case the party or parties claiming damages refuse or do not accept the security so tendered, the township shall give the party, his or their agent, attorney, guardian, or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval.

Thereafter the township may present its bond to the court, and when approved the bond shall be filed in court for the benefit of those interested. Recovery may be had thereon for the amount of damages finally determined, if the same is not paid or cannot be collected by execution on the judgment in the issue formed to try the question. Upon the approval of such security the township may enter into possession.

Section 1184. In case the compensation for damages accruing from such taking, injury, or destruction has not been agreed upon by the parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in the property, shall appoint three members of the board of viewers of the county as a board of view, and appoint a time, not less than ten nor more than twenty days thereafter, when the board of view shall meet upon the property and view the same and the premises affected thereby.

Section 1185. The board of view may be appointed before or at any time after the entry, taking, or appropriation of any property to be used for the purpose set forth in section eleven hundred and eighty-two of this act. They shall have power to administer oaths and adjourn their hearings, from day to day, as they find necessary.

Section 1186. The board of view shall give at least five days' notice of the time of their first meeting, by personal service upon the owners, agents, attorneys, or representatives thereof, if they reside within the county; otherwise, by handbills posted upon the premises, or by such other notice as the court shall direct.

The board of view, having been duly sworn or affirmed faithfully, justly, and impartially to decide and true report to make concerning all matters and things submitted to them and in relation to which they are authorized to inquire, and having viewed the premises or examined the property, shall hear all parties interested and their witnesses, and, having due regard to the advantages and disadvantages, shall estimate and determine the damages for the property taken, used, or appropriated, and to whom the same are payable.

They shall give at least ten days' notice thereof, in the manner herein provided, to all parties interested, of the time and place when the board of view will meet and exhibit their report and hear any exceptions thereto. After making whatever changes are necessary and proper, the board of view shall make report to the court showing the damages, if any are allowed, and shall file therewith a plan showing the properties taken, injured, or destroyed, and the names of the persons to whom such damages are payable.

Section 1187. When the report of the board of view, or any two of them, is filed in court, any party may, within thirty days thereafter, file exceptions thereto. The court may confirm the report, or modify, change, or otherwise correct it, or refer it back to the same or new viewers, with like power as to their report. Or, within thirty days from the filing of any report in court, any party whose property is so taken, used, or appropriated may appeal to the court of common pleas and demand a trial by jury. Any party interested therein may, within six months after final decree, have an appeal to the Superior or the Supreme Court.

Section 1188. If no exceptions are filed or no demand made for trial by jury, within thirty days after the filing of such report, the same shall become absolute. The court may order what notices shall be given in connection with any part of said proceedings and may make all such orders as it deems requisite.

Section 1189. The costs of the board of view and all court costs incurred in the proceedings, including advertising and printing and posting notices, shall be defrayed by the township.

Section 1190. All damages, when determined, shall be assessed against and paid by the township so taking, injuring, or destroying the property.

## CHAPTER XVI.

### WATER-SUPPLY AND WATER-WORKS.

#### ARTICLE II.

#### CONSTRUCTION, ACQUISITION, AND MAINTENANCE OF WATER-WORKS IN CONNECTION WITH BOROUGHS.

Section 1205. Any township of the first or second class may unite with a borough in the construction or acquisition and maintenance of works for the supply of water.

Section 1206. The construction of water-works, as provided for in the preceding section, shall be after plans for such water-works have been filed with the State Commissioner of Health, and a permit issued in accordance with the act of Assembly of April twenty-second, one thousand nine hundred and five (page two

hundred sixty), entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

Section 1207. Whenever any township of the first or second class unites with a borough in the construction or acquisition and maintenance of water-works, the commissioners or supervisors of such township, after the passage of an ordinance or resolution to that effect, may join with the councils of such boroughs, now authorized by chapter six, article seventeen, section forty of the general borough act of May fourteenth, one thousand nine hundred fifteen (page three hundred and twelve), so to join and apply to the court of common pleas for the appointment of a commission of water-works. Such commission shall be composed of citizens of each of the boroughs and townships so uniting.

#### CHAPTER XVII.

#### PUBLIC BUILDINGS.

#### ARTICLE I.

#### GENERAL PROVISIONS.

Section 1220. The commissioners or supervisors of townships of the first or second class may procure a suitable lot of ground, and erect a suitable building thereon for a townhouse in which to hold elections, store road-machinery, hold meetings of township officers, and for other township uses.

Section 1221. For the purpose of procuring a lot of ground and erecting a building thereon, as provided in the preceding section of this act, the commissioners or supervisors may borrow money at a rate of interest not exceeding six per centum and issue bonds therefor. The total indebtedness incurred by any township for such purpose shall not exceed one-half of one per centum of the assessed value of real estate of the township.

Section 1222. Townships of the first or second class may enter upon and appropriate private property, and also land heretofore granted or dedicated to public or other use, within the limits of such township, and which is no longer used for the purpose for which the same was granted or dedicated, for the erection thereon of a townhall, hose-house, lockup, and such other public buildings as are necessary for public purposes.

Section 1223. No land or property used for any cemetery, burying-ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated by virtue of any power contained in the preceding section.



Section 1224. Whenever the commissioners or supervisors desire to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare such intention by an ordinance duly enacted.

Section 1225. The compensation and damages arising from such taking, using, and appropriating of private property for such purposes shall be considered, ascertained, determined, awarded, and paid in the manner hereinafter provided.

Section 1226. If the compensation and damages arising from such taking, using, and appropriating of private property cannot be agreed upon, the township may tender its bond as security to the party claiming or entitled to damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of such bond shall be, that the said municipality shall pay or cause to be paid such amount of damages as the party is entitled to, after the same is agreed upon or assessed by viewers.

Section 1227. In case the party claiming damages refuses or does not accept the security so tendered, the township shall give the party, his, or their agent, attorney, guardian, or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval. Thereafter the township may present its bond to the court. When approved the bond shall be filed in the court for the benefit of those interested. Recovery may be had thereon, for the amount of damages ascertained or finally determined, if the same be not paid or cannot be collected, by execution on the judgment in the issue formed to try the question. Upon the approval of such security, the township may enter into possession, take, hold, use, and enjoy the land for the purposes aforesaid.

Section 1228. Whenever the commissioners or supervisors desire to take any lands heretofore granted or dedicated to a use or purpose for which they are no longer used, they shall pass an ordinance declaring such intention, and shall thereupon petition the court of common pleas for leave to file the bond of such township for the purpose of securing any person or persons who may be injured by the taking of such lands. The court shall thereupon direct notice to be given by publication in at least two newspapers of the county. If no exceptions are filed to the bond on or before the day fixed in the notice, the court shall approve the same. The court may increase the amount of the bond, and hear and determine all exceptions that are filed against

the approval thereof. Upon the approval of such bond, the commissioners or supervisors may enter upon and take such lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth, for the use of any person or persons who are entitled to damage by reason of the taking of the lands, shall remain on file for their use and benefit.

Section 1229. In case the compensation for damages, accruing from any appropriation under the provisions of section twelve hundred and twenty-two of this act, has not been agreed upon by the parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in such land and property, or any person damaged by any such appropriation, shall appoint three viewers from the county board of viewers, and appoint a time, not less than ten nor more than twenty days thereafter, when the viewers shall meet upon the property and view the same and the premises affected thereby.

Section 1230. The viewers may be appointed before or at any time after the entry, taking, or appropriation of any property to be used for the purpose aforesaid. They shall have power to administer oaths and adjourn their hearings, from day to day, as they find necessary.

Section 1231. The viewers shall give at least five days' notice of the time of their first meeting, by personal service upon the owners, agents, attorneys, or representatives of such property, if they reside within the county; otherwise, by handbills posted upon the premises, or by such other notice as the court shall direct.

The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters and things to be submitted to them in relation to which they are authorized to inquire, and having viewed the premises or examined the property, shall hear all parties interested and their witnesses, and, having due regard to the advantages and disadvantages, shall estimate and determine the damages for the property taken, used, or appropriated, and to whom the same are payable.

They shall give at least ten days' notice thereof, in the manner herein provided, to all parties interested, of the time and place when the viewers will meet and exhibit their report and hear any exceptions thereto. After making whatever changes are necessary and proper, the viewers shall make report to the court showing the damages, if any allowed, and shall file therewith a plan showing the properties taken, used,

and appropriated, and the names of the persons to whom such damages are payable.

Section 1232. When the report of the viewers, or any two of them, is filed in court, any party may, within thirty days thereafter, file exceptions thereto. The court may confirm the report, or modify, change, or otherwise correct it, or refer it back to the same or new viewers, with like power as to their report. Or, within thirty days from the filing of any report in court, any party whose property is so taken, used, or appropriated may appeal to the court of common pleas and demand a trial by jury. Any party interested therein may, within six months after final decree, have an appeal to the Superior or the Supreme Court. If no exceptions are filed or no demand made for trial by jury within thirty days after the filing of the report, the same shall become absolute. The court may order what notices shall be given in connection with any part of said proceedings, and may make all such orders as it deems requisite.

Section 1233. The costs of the viewers and all court costs incurred in the proceedings, including advertising and printing and posting notices, shall be defrayed by the township.

Section 1234. All damages, when determined, shall be assessed against and paid by the township so taking, using, and appropriating the property.

Section 1235. In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds one thousand dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township of the first or second class shall receive separate bids upon each of such branches of work, and award the contract for the same to the lowest responsible bidder.

Section 1236. In letting contracts for the erection of any public buildings, when plans and specifications for the same are submitted for bids they shall be accompanied by a list of quantities of material required for such building, to be prepared and furnished by the architect or engineer preparing the plans, which bill or list shall be attached to the specifications. No such list of materials shall be taken as being guaranteed by the township of the first or second class submitting such plans and specifications.

CHAPTER XVII.  
PUBLIC BUILDINGS.

ARTICLE II.

IN TOWNSHIPS OF THE SECOND CLASS.

Section 1250. The board of supervisors of townships of the second class may, after obtaining the assent of the electors of the township, expressed by vote at an election to be held at the place, time, and under the same regulations as provided for the holding of municipal elections, build and maintain a suitable place for the purpose of incarcerating criminals, disorderly, suspicious, and intoxicated persons, until they can be dealt with according to law. The ballots to be deposited by the electors shall be prepared in conformity with the general election law. In receiving and counting and in making returns of the votes cast the inspectors, judges, and clerks of said election shall be governed by the laws regulating municipal elections, and the vote shall be counted by the court as provided by the general law governing municipal elections. The board of supervisors shall direct the constable of the township to issue a proclamation, ten days prior to the date of the municipal election, that the qualified electors will vote "For or against building a lockup." Such building, when erected, shall be under the care of the board of supervisors.

CHAPTER XVIII.  
LICENSES AND LICENSE FEES.

ARTICLE I.

GENERAL PROVISIONS.

(a) Transient Merchants.

Section 1260. It shall be unlawful for any person, copartnership, or corporation, without a license, to conduct any business, in any township of the first or second class, the whole or greater part of which shall consist of the sale of goods which are represented or advertised to be the goods of the estate of any bankrupt, or the goods of any assignee, or a person, firm, or corporation about to go out of business, or goods that have been damaged in any way.

Section 1261. The provisions of the preceding section of this article shall not prohibit the sale of any goods by any assignee, trustee, receiver, or other officer appointed by any court of this Commonwealth or of

the United States, acting for the estate of any such bankrupt or other person, firm, or corporation, within the limits of any township of the first or second class, wherein such person, firm, or corporation conducted business or had the goods immediately before the appointment of such assignee, trustee, receiver, or other officer; or the sale of any damaged goods, if the same are sold within the limits of the township wherein the owner conducted business or had such goods at the time the same became damaged.

Section 1262. The license provided for in section twelve hundred and sixty of this act shall be issued by the treasurer of the township wherein such business is conducted. The license fee shall be twenty-five dollars for each calendar month or fraction thereof, and shall be for the use of the school fund of the township. The license shall be renewed monthly during the time such person, firm, or corporation shall conduct such business, and shall be in addition to all other license fees and taxes imposed by the Commonwealth and the township.

Section 1263. Any person, association, copartnership, or corporation violating any of the provisions of sections twelve hundred and sixty, twelve hundred and sixty-one, and twelve hundred and sixty-two of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay, for each day such business is conducted without a license, a fine of not more than two hundred dollars.

(b) Restrictions.

Section 1270. It shall be unlawful for any township of the first or second class to levy any license fee or mercantile tax upon any persons taking orders for merchandise, by sample, from dealers or merchants, for individuals or companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to others than dealers or merchants.

Section 1271. It shall be unlawful for any township of the first or second class to impose or collect any license fee upon insurance companies or their agents, or insurance brokers, authorized to transact business under an act approved the first day of June, nineteen hundred and eleven (page six hundred and seven), entitled "An act to establish an Insurance Department; authorizing the appointment of an Insurance Commissioner, and prescribing his powers and duties; also providing for the licensing, examination, regulation, and dissolution of insurance and surety companies and associations, and for the licensing and regulation of insurance agents and insurance brokers;

also providing for the collection of fees, and prescribing penalties for the violation of any of the provisions of this act; and repealing all existing acts.”

## CHAPTER XVIII.

## LICENSES AND LICENSE FEES.

## ARTICLE II.

## IN TOWNSHIPS OF THE FIRST CLASS.

Section 1280. The board of township commissioners of townships of the first class may enact ordinances requiring licenses to be taken out annually for all stages, hacks, carriages, and other vehicles used for carrying persons or property for hire within the township, and fixing a reasonable annual charge for such licenses.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

Section 1281. The said ordinances shall be enforced as other township ordinances, and the ordinance in each case shall specify the manner in which the license charges are to be collected.

## CHAPTER XIX.

## PARKS, SHADE-TREES AND FORESTS IN TOWNSHIPS OF THE FIRST CLASS.

## ARTICLE I.

## PARKS AND PLAYGROUNDS.

Section 1295. Townships of the first class may improve, maintain, and regulate public parks, parkways, and playgrounds within the township limits.

Section 1296. Townships of the first class may enter upon, appropriate, and acquire, by gift, devise, purchase, lease, or otherwise, private property, for the purpose of making, enlarging, and maintaining public parks, parkways, and playgrounds. The provisions of this section shall not authorize the appropriation of private property outside the township limits, nor the appropriation of any property belonging to or used as a cemetery or place of public worship, or any public or parochial school, or other educational or charitable institution or seminary.

Section 1297. No appropriation, purchase, or lease shall be made, pursuant to the preceding sections of this article, whereby any township of the first class shall, within any period of three years, obligate itself to pay, in the aggregate, any sum exceeding one and one-half mills on the dollar on the assessed valuation of all property, offices, professions, and persons in the township, without the consent of a majority of the electors obtained as hereinafter provided.

Section 1298. Whenever any township of the first class shall, by ordinance, provide for the appropriation, purchase, or leasing of private property, for the purposes aforesaid, and the value of such property or the rental thereof shall, alone or when added to the amount of liability incurred for any of the purposes aforesaid within the preceding three years, exceed one and one-half mills on the dollar of valuation, as provided in the preceding section, the township commissioners shall cause the question of such appropriation, purchase, or leasing to be submitted to the electors of the township at the municipal or general election next occurring after the expiration of forty days from the date of such ordinance.

Section 1299. The township commissioners shall give notice of the proposed submission of such question by weekly advertisements, in not more than three newspapers published in the township, for a period of four weeks immediately preceding the day of election, and, if no newspapers are published therein, by twenty printed handbills posted in conspicuous places at least twenty-one days prior to such election.

Section 1300. For the purpose of having such question appear upon the ballot, the township commissioners shall certify the question to the county commissioners at least twenty-one days before the day of the election. The question may be stated substantially as follows:

Shall the township of ..... acquire by purchase or condemnation, or both, at a price not exceeding ..... dollars (or by lease for not more than ..... years, at an annual rental of not more than ..... dollars), property for the purpose of making (or of enlarging) public parks, parkways, and playgrounds within the locality bounded by .....

The council may, at their discretion, omit the designation of the locality.

Section 1301. The result of the vote on such question shall be ascertained and certified in the same manner as the vote on the election of officers named on the same ballots. No such question, determined negatively by the voters, shall be again submitted until one municipal or general election shall intervene.

Section 1302. The appropriation of private property for the purpose of making, enlarging, and maintaining public parks, parkways, and playgrounds is declared to be the taking of private property for public use, and for all damage suffered by the owners of any property so taken the funds of the township raised by taxation shall be pledged as security.

Section 1303. Whenever compensation for the damages arising from such appropriation cannot be agreed upon, the township of the first class may tender its bond as 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 person under legal incapacity. The condition of such bond shall be, that the township shall cause to be paid such amount of damages as the party shall be entitled to receive, after the same have been agreed upon or assessed.

Section 1304. Whenever any party, claiming damages for property taken under the provisions of the preceding sections of this article, refuses or neglects to accept the security so tendered, the township of the first class may, upon ten days' written notice given to the party, his agent, attorney, guardian, or committee, present its bond to the court of common pleas. If approved, the bond shall be filed for the benefit of those interested, and recovery may be had thereon, for the amount of damages ascertained or finally determined, if the same be not paid, by an execution on the judgment in the issue formed to try the question. Upon the approval of such security, the township may enter into possession, hold, and use such land for such purposes.

Section 1305. Whenever any township of the first class appropriates private property under the provisions of this article, and is unable to agree with the owners or lessees for the amount of compensation, or whenever, by reason of the absence or legal incapacity of any owner or lessee, no such compensation can be agreed upon, the courts of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested, shall appoint three viewers from the county board of viewers, and shall designate a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same.

Section 1306. The viewers may be appointed before or at any time after the entry upon, taking, or appropriation of any property.

The powers and duties of the viewers may be exercised and performed by any two of them. They shall have power to administer oaths, and to adjourn their hearings from day to day, as they find necessary. The notices required to be given by the viewers may be served by any one authorized by them to make such service.

Section 1307. The viewers shall give ten days' notice of the time and place of their first meeting, to the owners of the property, their agents, attorneys, or representatives, by writing served, if they reside with-



in the county, in the same manner as the service of summons in personal actions; otherwise, by handbills posted upon the premises, or by such other notice as the court may prescribe.

Section 1308. The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and true report to make concerning all matters to be submitted to them in relation to which they are authorized to inquire, and having viewed the premises or examined the property, shall hear all parties interested and their witnesses, and, having due regard to the advantages and disadvantages, shall estimate and determine the damages for property taken, used, or appropriated, and to whom the same are payable.

Section 1309. Having so estimated and determined the damages, the viewers shall prepare a schedule thereof, and give notice, in the manner provided in section thirteen hundred and seven of this act, to the parties interested, of a time, not less than ten days thereafter, and of a place where they will meet and exhibit such schedule, and hear all exceptions thereto and evidence. After making whatever changes are necessary, the viewers shall report to the court showing the damages allowed, if any, and to whom payable. They shall file with such report a plan showing the properties taken, used, and appropriated.

Section 1310. When such report is first filed in court the prothonotary shall mark the same confirmed nisi, and, in case no exceptions are filed thereto and no appeal to a jury is taken within thirty days, he shall enter a decree (as of course) that the report is confirmed absolutely.

If exceptions are filed which affect the entire report, it shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of by the court. When exceptions are filed that only go to or affect some particular assessment of damages, and which in the consideration and final disposal thereof will not affect the assessments made in favor of other parties, and when any appeal or appeals may have been taken to the court of common pleas, with demand for trial by jury, by less than all of the parties having a right to take such appeals, the court may confirm all assessments to which no exceptions have been filed or appeal taken.

Section 1311. When such report is filed, notice thereof shall be given within ten days, by publication once in a newspaper published in the township, if any; otherwise, in a newspaper published in the county-seat of the county. Such notice shall state the date of filing the report and shall contain a schedule of the damages shown therein. It shall further state that,

unless exceptions are filed or an appeal to a jury taken within thirty days from the date of filing, the report will be confirmed absolutely.

Section 1312. Upon the report of the viewers being filed in court, any party may, within thirty days thereafter, file exceptions thereto. The court may confirm the report, or modify, change, or otherwise correct it, or refer it back to the same or new viewers, with like power as to their report.

Section 1313. Within thirty days from the filing of any report in court, any party whose property is so taken, used, or appropriated may appeal to the court of common pleas and demand a trial by jury. In case the party appellant does not obtain a verdict more favorable than the final report of viewers he shall not recover any costs on the appeal.

Section 1314. From such confirmation of the viewers' report, and from final judgment on the verdict in the case of a trial by jury, either party may have an appeal to the Superior Court or Supreme Court.

Section 1315. The court of common pleas may order what notices shall be given in connection with any part of said proceedings and make all orders it deems requisite, and may, by rule or otherwise, prescribe the form of the pleadings.

The costs incurred in the proceedings shall be defrayed by the township.

Section 1316. The final confirmation of the report of viewers shall operate as a judgment against the township, in favor of the party to whom damages have been awarded by the report, or by so much of the report as is confirmed. Interest is allowed on such judgment from the date of filing the report.

Section 1317. Whenever any township of the first class repeals any ordinance or discontinues any proceeding taken providing for the appropriation of property under this article, prior to the entry upon or injury to such property, and within thirty days after the filing of the report of viewers assessing damages, the township shall not thereafter be liable to pay any damages which have been or might have been assessed; but the costs upon any proceeding had thereon shall be paid by the township, together with the actual damage sustained by reason of such proceeding.

## CHAPTER XIX.

PARKS, SHADE-TREES AND FORESTS IN TOWNSHIPS  
OF THE FIRST CLASS.

## ARTICLE II.

## SHADE-TREE COMMISSION.

Section 1330. Townships of the first class may establish a commission to be known as the Shade-Tree Commission of such township.

Section 1331. The commission shall be composed of three freeholders of the township of the first class, who shall be appointed by the township commissioners and shall serve without compensation.

Whenever a shade-tree commission is established by any township of the first class, the township commissioners shall appoint three freeholders—one for a term of three years, one for a term of four years, and one for a term of five years.

On the expiration of the term of any shade-tree commissioner, a successor shall be appointed by the township commissioners, to serve for a term of five years.

Vacancies in the office of shade-tree commissioner shall be filled by the township commissioners, for the unexpired term.

Section 1332. Whenever, in any township of the first class, there exists a commission for the care of public parks, the township commissioners may, by a majority vote, accept the provisions of this article so far as it relates to the subject of the shade-tree commission, and thereafter the park commission shall have all the powers and be subject to all the duties prescribed by this article for the shade-tree commission.

Section 1333. The commission shall have exclusive custody and control of the shade-trees in the township of the first class, and is authorized to plant, remove, maintain, and protect shade-trees on the public highways in the township.

Section 1334. The commission may employ and pay such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade-trees of the township of the first class. No such regulation shall be in force until it has been approved by the township commissioners and until it has been published at least twice in one or two newspapers of the township.

Section 1335. The shade-tree commission shall annually report in full to the township commissioners its transactions and expenses for the last fiscal year of the township of the first class. The park commission, in townships accepting this article, may incorporate such transactions and expenses in its regular report to the township commissioners.

Section 1336. Whenever any shade-tree commission or park commission, in townships of the first class accepting this article, proposes to plant, transplant, or remove shade-trees on any highway, notice of the time and place of meeting at which such work is to be considered shall be given in one or more newspapers published in the township, once a week for two weeks, immediately preceding the time of the meeting. The notice shall specify in detail the highways, or portions thereof, upon which trees are proposed to be so planted, replanted, or removed.

Section 1337. The cost of planting, transplanting, or removing any shade-trees in the highways of the township of the first class, of the necessary and suitable guards, curbing, or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each freeholder is to pay shall be ascertained and certified by the commission to the township commissioners and to the township treasurer.

Section 1338. Upon the filing of the certificate with the township commissioners, the township secretary shall cause thirty days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the township commissioners, and, if not paid within the time designated in the notice, a claim may be filed and collected by the township, in the same manner as municipal claims are filed and collected.

Section 1339. The cost and expenses of caring for such trees after having been planted, and the expense of publishing the notice provided in the preceding section, shall be paid by the township.

The needed amount shall each year be certified by the shade-tree commissioners to the township commissioners, and shall be drawn against as required by the commission, in the same manner as money appropriated for township purposes.

The township commissioners, instead of levying the tax authorized by section three hundred and ninety-seven of this act, may provide for the expense of caring for trees already planted, and of publishing the notice required by the preceding section, by appropriations equal to the amount certified to be required by the shade-tree commission.

Section 1340. The commission may assess penalties for the violation of its regulations, and of this article so far as it relates to shade-trees. Any penalty so assessed shall be a lien upon the real estate of the offender, and may be collected as municipal claims are collected.

Section 1341. All penalties or assessments imposed under this article shall be paid to the township treasurer, to be placed to the credit of the shade-tree commission, subject to be drawn upon by the commission for the purposes of the preceding sections of this article.

#### CHAPTER XIX.

#### PARKS, SHADE-TREES AND FORESTS IN TOWNSHIPS OF THE FIRST CLASS.

#### ARTICLE III.

#### FORESTS.

Section 1355. Townships of the first class may acquire by purchase, gift, or lease, and hold, tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the same under the direction of the Commissioner of Forestry, in accordance with the practices and principles of scientific forestry, for the benefit of the township. Such tracts may be of any size suitable for the purpose, and may be located within or without the township limits.

Section 1356. Before the passage of any ordinance for the acquisition of land to be used as township forests, the township commissioners shall submit to the Commissioner of Forestry, and secure his approval, of the area and location of such land.

Section 1357. Whenever the township commissioners deem it expedient to acquire any lands for forests they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action, which proposed ordinance shall be advertised once a week for three weeks prior to its passage.

Section 1358. All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for township purposes, and such

funds may be provided from the current revenue, or by the proceeds of a sale of bonds in accordance with existing law.

Section 1359. Upon the acquisition of any forests or lands suitable for forests, the township commissioners shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary; and the commissioner shall publish such rules, declare the uses of the forest in accordance with the intent of this article, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.

Section 1360. All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests shall be appropriated and applied as is now done for township purposes. All revenue and emoluments arising from such forests shall be paid into the township treasury, to be used for general township purposes.

Section 1361. Township forests may be used by the public as general outing- or recreation-grounds, subject to the rules governing their administration.

Section 1362. Whenever the township commissioners deem it expedient to alienate any forest, or part thereof, they shall so declare in an ordinance, wherein shall be set forth all the facts and conditions relating to the proposed action, which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election.

#### CHAPTER XX.

#### ENFORCEMENT OF ORDINANCES OF TOWNSHIPS OF THE FIRST CLASS.

#### ARTICLE I.

Section 1380. The policemen of townships of the first class may, without warrant and upon view, arrest and commit for hearing all persons guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any ordinances of the township for the violation of which a fine or penalty is imposed. Any person arrested, with or without warrant, shall be enti-

tled to a trial and to give bail for his or her or their appearance, according to the practice in summary convictions.

Section 1381. All proceedings for the violation of township ordinances, and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued except upon complaint, on oath or affirmation, specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to and be served by any policeman or constable of the township, who shall execute the same anywhere within the State as may be provided by law. Warrants shall be returnable forthwith, and, upon such return, like proceedings shall be had in all cases as in summary convictions, with the same right of appeal from any final judgment entered therein, except where otherwise provided by existing laws.

Section 1382. When any person is arrested on view, a complaint, on oath or affirmation, shall be immediately made, whereupon the like proceedings shall be had as upon a warrant issued.

Section 1383. All fines or penalties for the violation of township ordinances shall be paid over to the township treasurer.

Section 1384. Any person arrested for the violation of a township ordinance may be committed to the township lockup pending a hearing or trial. In case there is no suitable lockup or place in which to detain prisoners, the person arrested may be committed to the county jail. Upon judgment against any person by summary conviction or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail for a period not exceeding thirty days. No fine or penalty shall exceed one hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which said judgment and costs can be collected by execution, *capias*, or other process, the plaintiff in the action may elect to proceed to collect the said judgment by such proceedings.

Section 1385. When a prisoner is committed to any county jail or prison, either for the nonpayment of a fine or penalty imposed for the violation of any ordinance of a township of the first class, or while awaiting a hearing upon any charge for the violation of any ordinance of a township of the first class, the costs of

proceedings and the expenses of maintaining such prisoner during his confinement by virtue of any such commitment shall be paid by the township whose ordinances were alleged to have been violated or to which any such fines or penalties are payable. The county shall not be liable to the sheriff for any maintenance or to any officer or person for any costs.

## CHAPTER XXI.

## ACTIONS BY AND AGAINST TOWNSHIPS.

## ARTICLE I.

Section 1395. All suits by a township of the first or second class shall be brought and conducted by the township commissioners or township supervisors. In all suits against a township, process shall be served upon and defense made by the township commissioners or supervisors.

Section 1396. If judgment shall be obtained against a township of the first or second class in any action or proceeding, the party entitled to the benefit of such judgment, after having complied with the provisions of the act of April twenty-second, one thousand nine hundred and five (Pamphlet Laws, two hundred and ninety-six), entitled "An act requiring plaintiffs in judgments obtained before justices of the peace and aldermen, against boroughs, townships, and school districts, to file in the office of the prothonotary of the proper county certificates giving the particulars of such judgments; directing the prothonotaries to keep a record of such certificates; providing for the payment by such municipalities of the prothonotary's fees for such service; and prohibiting, in case of noncompliance with such provisions, the subsequent filing of any transcript of said judgment in the office of the prothonotary, and the use of the magistrate's record or transcript thereof as evidence to enforce or collect said judgment," may have execution thereof as follows, and not otherwise: viz,—The court in which such judgment is obtained, or to which such judgment is removed by transcript from a justice of the peace, may issue thereon a writ commanding the township commissioners or township supervisors, as the case may be, to cause the amount thereof, with the interest and costs, to be paid to the party entitled to the benefit of such judgment, out of any moneys unappropriated of such township; or, if there be no such moneys, out of the first moneys that shall be received for the use of such township, and may enforce obedience to such writ by attachment.

Section 1397. Any taxpayer of any township of the first or second class may inquire into the validity of any judgment, or defend the township in any suit or



judgment, upon filing a petition with the court of common pleas of the county in which such suit is pending or judgment exists, accompanied by an affidavit that the taxpayer believes that injustice will be done to the township in such suit or judgment. Whenever it is deemed necessary the court may order such taxpayer to file a bond, with one or more sureties, to be approved by court, to save harmless the township from all costs that may accrue in such proceeding subsequent to the filing of such petition.

Section 1398. Whenever a judgment is rendered by any justice of the peace or alderman against any township of the first or second class, and a right of appeal is given to such township, and for ten days immediately after the rendition of such judgment the township officials neglect to perfect an appeal, any taxpayer of such township may take an appeal, in behalf of the township, from such judgment to the court of common pleas of the county, within the time prescribed for the taking of such appeal.

Section 1399. In taking the appeal the taxpayers shall make an affidavit that the same is not taken for the purpose of delay, but because he verily believes that injustice has been done. The taxpayer shall pay the costs of the appeal, and enter sufficient bail for the payment of all costs before the justice of the peace or alderman and all costs in the court of common pleas.

Section 1400. Upon the filing of such appeal in the court of common pleas of the county, the taxpayer shall be made a party to the suit and shall have the right to defend such township therein.

Section 1401. Townships of the first or second class may proceed for the recovery of municipal claims by lien or by action of assumpsit, and jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars.

## CHAPTER XXII.

### ACTS OF THE GENERAL ASSEMBLY REPEALED.

#### ARTICLE I.

Section 1500. The following acts and parts of acts of Assembly are repealed as respectively indicated. The repeal of the first section of an act shall not repeal the enacting clause of such act.

Section one of an act, entitled "An act to authorize the several courts of quarter sessions within their respective counties to lay off, alter, and divide townships, and for other purposes," approved the twenty-fourth day of March, one thousand eight hundred and three (Pamphlet Laws, four hundred thirty-nine), absolutely.

Sections twenty-seven, thirty-four, and forty-three of an act, entitled "An act relating to county rates and levies and township rates and levies," approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred nine), absolutely.

Sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-five, thirty-nine, forty, forty-three, forty-seven, forty-eight, forty-nine, and fifty-two of an act, entitled "An act relating to county rates and levies and township rates and levies," approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred and nine), except in so far as they relate to taxation for poor or county purposes.

Sections seven, thirteen, fourteen, eighty-one (clauses one, two, three, four, five), eighty-three, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six of an act, entitled "An act relating to counties and townships, and county and township officers," approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred thirty-seven), absolutely.

Sections three, four, and five of an act, entitled "An act relating to counties and townships, and county and township officers," approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred thirty-seven), in so far as they relate to townships.

Sections eighty-four, eighty-five, eighty-six, ninety, ninety-one, ninety-two, and ninety-three of an act, entitled "An act relating to counties and townships, and county and township officers," approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred thirty-seven), except in so far as they relate to constables or assistant assessors or overseers of the poor.

Section seven of an act, entitled "A supplement to the act relating to county rates and levies, and township rates and levies, and to the act relating to counties and townships, and county and township officers," approved the twenty-eighth day of February, one thousand eight hundred and thirty-five (Pamphlet Laws, forty-five), absolutely.

Sections six, ten, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, sixty-one, sixty-two, sixty-three, sixty-four, sixty-six, sixty-seven, sixty-eight, and sixty-nine of an act, entitled "An act relating to roads, highways, and bridges," ap-

proved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred fifty-one), absolutely.

Sections thirty-four, sixty-five, seventy, seventy-one, seventy-two, and seventy-five of an act, entitled "An act relating to roads, highways, and bridges," approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred fifty-one), in so far as they relate to townships.

Sections eight and nine of an act, entitled "An act concerning certain State and turnpike roads," approved the nineteenth day of April, one thousand eight hundred and forty-four (Pamphlet Laws, three hundred fourteen), absolutely.

Section six of an act, entitled "An act further to regulate proceedings in courts of justice, and for other purposes," approved the sixth day of May, one thousand eight hundred and forty-four (Pamphlet Laws, five hundred sixty-four), absolutely.

Section one of an act, entitled "An act to prevent the opening of streets or public roads through burial-grounds, and for the protection of cemeteries and graveyards," approved the fifth day of April, one thousand eight hundred and forty-nine (Pamphlet Laws, three hundred ninety-seven), in so far as it relates to townships of the first class.

Section thirty-two of an act, entitled "An act regulating election districts," approved the fifth day of April, one thousand eight hundred and forty-nine (Pamphlet Laws, five hundred fifty-five), except in so far as it relates to justices of the peace, constables, overseers of the poor, and assistant assessors.

Section five of an act, entitled "A supplement to the road laws of this Commonwealth, and to incorporate the Mutual Fire Insurance Company of Lawrence County," approved the twenty-sixth day of April, one thousand eight hundred and fifty (Pamphlet Laws, five hundred ninety-two), absolutely.

Section nineteen of an act, entitled "An act relating to the commencement of actions, to judgments and decrees, for the payment of money to the widows and children of decedents, to partitions in the common pleas, relative to penalties on telegraph operators, to pleadings in certain actions of debt, to actions of ejectments, to the protection of fences, to partnerships, to limitations of writs of entry in manors, lands, and tenements, to the exemption laws, to reports of the Supreme Court, to appeals relating to wards, boroughs, and township officers, to the acknowledgments of deeds and sequestration of life estates," approved the fourteenth day of April, one thousand eight hundred and fifty-one (Pamphlet Laws, six hundred and twelve), in so far as it relates to townships.

Section one of an act, entitled "A supplement to an act, entitled 'An act relating to counties and townships, and county and township officers,' approved April the fifteenth, one thousand eight hundred and thirty-four," approved the twenty-sixth day of April, one thousand eight hundred and fifty-four (Pamphlet Laws, four hundred eighty-nine, number four hundred eighty-nine), absolutely.

An act entitled "An act relative to the erection of bridges over canals and railroads," approved the twelfth day of April, one thousand eight hundred and fifty-five (Pamphlet Laws, two hundred twenty, number two hundred thirty-three), in so far as it relates to township bridges.

An act entitled "A supplement to an act relating to counties and townships, and county and township officers, approved April fifteenth, one thousand eight hundred and thirty-four," approved the fourteenth day of March, one thousand eight hundred and fifty-seven (Pamphlet Laws, ninety-three), absolutely.

An act entitled "A further supplement to an act relating to counties and townships, and county and township officers, approved April fifteenth, Anno Domini one thousand eight hundred and thirty-four," approved the twenty-fourth day of April, one thousand eight hundred and fifty-seven (Pamphlet Laws, three hundred four), absolutely.

An act entitled "An act relative to the election of supervisors," approved the sixth day of May, one thousand eight hundred and fifty-seven (Pamphlet Laws, four hundred fifteen), absolutely.

An act entitled "An act relating to city, county, and township treasurers," approved the sixteenth day of May, one thousand eight hundred and fifty-seven (Pamphlet Laws, five hundred thirty-five, number five hundred ninety-one), in so far as it relates to township treasurers.

An act entitled "An act requiring supervisors of roads and overseers of the poor in this Commonwealth to give security," approved the sixteenth day of March, one thousand eight hundred and sixty (Pamphlet Laws, one hundred seventy-four, number one hundred eighty-nine), in so far as it relates to road supervisors.

An act entitled "A supplement to an act relating to county and township rates and levies, approved April fifteenth, Anno Domini one thousand eight hundred and thirty-four," approved the twenty-ninth day of March, one thousand eight hundred and sixty (Pamphlet Laws, three hundred thirty-seven), absolutely.

An act entitled "An act relative to the erection of new townships," approved the first day of May, one

thousand eight hundred and sixty-one (Pamphlet Laws, five hundred thirty-nine, number five hundred and four), absolutely.

An act entitled "A supplement to an act relating to roads, highways, and bridges, approved June thirteenth, one thousand eight hundred and thirty-six," approved the eighteenth day of March, one thousand eight hundred and sixty-four (Pamphlet Laws, sixty-eight, number seventy), in so far as it relates to township bridges.

An act entitled "An act relating to the collection of district and township debts in the several counties of the Commonwealth," approved the thirty-first day of March, one thousand eight hundred and sixty-four (Pamphlet Laws, one hundred sixty-two, number one hundred fifty-six), except in so far as it relates to poor districts.

Section one of an act, entitled "An act providing for the adjustment of all indebtedness between an old township or townships and a new township or borough erected therefrom," approved the twelfth day of April, one thousand eight hundred and sixty-six (Pamphlet Laws, one hundred and nine, number ninety-nine), in so far as it relates to townships.

An act entitled "An act to extend to plank roads the provisions of the eighth and ninth sections of the act approved April nineteenth, one thousand eight hundred and forty-four, entitled 'An act concerning certain State and turnpike roads,'" approved the sixteenth day of March, one thousand eight hundred and sixty-seven (Pamphlet Laws, thirty-seven, number twenty), absolutely.

Section two of an act, entitled "An act supplementary to an act, entitled 'An act regulating turnpike and plank road companies,' approved the twenty-sixth day of January, one thousand eight hundred and forty-nine," approved the fifth day of April, one thousand eight hundred and seventy (Pamphlet Laws, forty-eight), absolutely.

An act entitled "An act relating to the assessment of damages for the appropriation of land for public use," approved the fifteenth day of June, one thousand eight hundred and seventy-one (Pamphlet Laws, three hundred ninety-one), in so far as it relates to townships.

An act entitled "An act to authorize and require the auditors to publish an annual statement of the receipts and expenditures of road commissioners, supervisors, overseers of the poor, and school directors of the several townships and boroughs within this Commonwealth, and to designate a day to audit, settle, and adjust township and borough accounts," approved the

twenty-fourth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, one hundred and twelve, number forty), in so far as it relates to the audit of the accounts of supervisors and township treasurers.

An act entitled "An act fixing the pay of road commissioners, road and bridge viewers and reviewers, and appointed commissioners to run township lines, and to divide boroughs into wards, and township division lines, and surveyors in this Commonwealth," approved the thirteenth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, one hundred thirty-eight), in so far as relates to townships.

An act entitled "An act to authorize the counties, cities, towns, or townships of this State, respectively, to enter into contracts with railroad companies whose roads enter their limits, whereby said companies may relocate, change, or elevate their railroads," approved the ninth day of June, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred eighty-two), in so far as it relates to townships.

An act entitled "An act fixing and regulating the terms of all members of councils, and all other city, ward, borough and township officers, excepting school directors elected by the people, and fixing the time for organization of the legislative departments of the municipal governments of the Commonwealth, and the inauguration of the mayors of all the cities of the same," approved the tenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws, six, number seven), in so far as it relates to townships.

An act entitled "A supplement to an act, entitled 'An act to authorize and require the auditors to publish an annual statement of the receipts and expenditures of road commissioners, supervisors, overseers of the poor, and school directors of the several townships and boroughs within this Commonwealth, and to designate a day to audit, settle, and adjust township and borough accounts,' approved the twenty-fourth day of April, Anno Domini one thousand eight hundred and seventy-four," approved the thirty-first day of March, one thousand eight hundred and seventy-six (Pamphlet Laws, twelve, number thirteen), in so far as it relates to the audit of the accounts of supervisors and township treasurers.

Section three of an act, entitled "An act to provide for the erection and maintaining of watering-troughs for the use of horses and cattle on the public roads of this Commonwealth, and providing penalties for the

injury and destruction of the same," approved the twenty-eighth day of April, one thousand eight hundred and seventy-six (Pamphlet Laws, fifty-one), in so far as it relates to supervisors.

An act entitled "A supplement to an act approved April fourteen, Anno Domini eighteen hundred and fifty-one, relating to an appeal from the decision of township auditors," approved the first day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, eighty-eight), in so far as it relates to townships.

An act entitled "A supplement to an act approved the thirteenth day of May, Anno Domini one thousand eight hundred and seventy four, fixing the pay of road commissioners, road and bridge viewers and reviewers, and commissioners to run township lines and to divide boroughs into wards, and township lines, and surveyors in this Commonwealth," approved the eighth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred thirty-six, number one hundred and three), in so far as it relates to township lines.

Section five of an act, entitled "An act to prescribe the manner by which the courts of quarter sessions may change the boundaries of election districts and townships, approved the eighteenth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred seventy-eight), in so far as it relates to the annexation of townships.

An act entitled "An act to empower any taxpayer of any township, borough, school, poor, or other municipal district, upon petition and affidavit, to become a party to any suit or process pending against said district," approved the twenty-third day of March, one thousand eight hundred and seventy-seven (Pamphlet Laws, twenty, number sixteen), in so far as it relates to townships.

An act entitled "An act to provide for the erection of new townships out of old ones, when part or all of the townships to compose such new townships shall have been divided by the erection of a new county, under the provisions of the act of seventeenth day of April, Anno Domini one thousand eight hundred and seventy-eight, entitled 'An act to provide for the division of counties of this Commonwealth and the erection of new counties therefrom,'" approved the thirteenth day of May, one thousand eight hundred and seventy-nine (Pamphlet Laws, fifty-two, number fifty), absolutely.

An act entitled "An act fixing the date of the commencement of terms of township officers and of audi-

tors' settlements," approved the fourth day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, ninety-four, number one hundred and ten), absolutely.

An act entitled "An act relating to turnpikes and plank roads," approved the eleventh day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, one hundred twenty-six, number one hundred thirty), absolutely.

An act entitled "An act to prohibit cities, boroughs, and municipalities from levying any license or mercantile tax upon persons taking orders for goods or merchandise, by sample, for individuals or companies who pay a license of mercantile tax at their chief place of business, and also to prohibit the collection of such licenses or mercantile taxes." approved the seventeenth day of May, one thousand eight hundred and eighty-three (Pamphlet Laws, thirty-one, number twenty), in so far as it relates to townships.

Sections one, two, three, seven, nine, and eleven of an act, entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth." approved the twenty-fifth day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred eighty-seven), in so far as it relates to township taxes.

An act entitled "An act to enable road commissioners and other officers, having in charge the opening, constructing, and repairing of public roads, highways, and bridges, to purchase necessary and improved implements, materials, et cetera, and to provide means therefor." approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, two hundred two, number one hundred forty), absolutely.

An act entitled "An act declaring and defining the limits of townships, boroughs, and cities bounded by any of the navigable streams of the Commonwealth." approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, two hundred three, number one hundred forty-two), in so far as it relates to townships.

An act entitled "A further supplement to an act approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine, entitled 'A supplement to an act for the regulation of boroughs,' approved the third day of April, one thousand eight hundred and seventy-one, providing for the adjustment of indebtedness and government of the boroughs, townships, and school districts affected by changes of limits of any borough in the Commonwealth," approved



the first day of June, one thousand eight hundred and eighty-seven (Pamphlet Laws, two hundred eighty-five), in so far as it relates to townships.

Section eleven of an act, entitled "An act authorizing the condemnation of turnpikes, roads, or highways heretofore or hereafter constructed, wholly or in part, in any county of this Commonwealth, for public use, free from tolls and tollgates, and the assessment upon the proper county of the damages to which the owner or owners thereof may be entitled, by a jury of viewers duly appointed by the court of quarter sessions of the proper county, and providing for the maintenance of any such condemned turnpike, road, or highway by the proper city, township, or district," approved the second day of June, one thousand eight hundred and eighty-seven (Pamphlet Laws, three hundred six, number one hundred ninety-seven), in so far as it relates to townships.

Section one of an act, entitled "An act to authorize the election of assessors for three years in the several boroughs and townships of this Commonwealth," approved the fourteenth day of February, one thousand eight hundred and eighty-nine (Pamphlet Laws, seven, number eight), in so far as it relates to township assessors.

An act entitled "An act to provide for the licensing of transient retail merchants in cities, boroughs, and townships," approved the fourth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, eighty-six, number eighty-two), in so far as it relates to townships.

An act entitled "An act fixing the compensation of borough and township auditors in this Commonwealth," approved the fourth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, eighty-six, number eighty-three), in so far as it relates to townships.

An act entitled "An act fixing the compensation of supervisors in the several townships in this Commonwealth," approved the fourth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, eighty-seven, number eighty-five), absolutely.

An act entitled "An act authorizing the appointment of deputy constables vested with the power of policemen, on petition of the citizens of any township, by the court of quarter sessions of the counties of this Commonwealth," approved the ninth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred fifty-six, number one hundred seventy-five), absolutely.

An act entitled "An act to provide for the laying out and opening of roads to enclosed lands kept for driving-parks, county fairs, holding annual Grand Army or soldiers' and sailors' encampments or re-

unions, or places appointed by the court for holding township and general elections," approved the ninth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred seventy-eight, number two hundred two), absolutely.

An act entitled "An act to amend an act, entitled 'An act to provide for the licensing of transient retail merchants in cities, boroughs, and townships,' empowering councils to increase the maximum license," approved the tenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, thirty-five), in so far as it relates to townships.

An act entitled "An act to amend the first section of an act, entitled 'An act fixing the pay of road commissioners, road and bridge viewers and reviewers, and appointed commissioners to run township lines and to divide boroughs into wards and township division lines, and surveyors of this Commonwealth,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and seventy-four; providing that such commissioners, viewers, and surveyors shall be paid by the proper county or by the petitioners, as the court shall by order direct," approved the twenty-sixth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred forty-four), in so far as it relates to townships.

An act entitled "An act to provide for the establishing and ascertaining the lines and boundaries between two or more cities, boroughs, or townships, cities and boroughs, townships and boroughs, or cities and townships, within this Commonwealth, and regulating the proceedings thereof," approved the third day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, two hundred eighty-four), in so far as it relates to townships.

An act entitled "An act to authorize the election of tax collectors for the term of three years in the several boroughs and townships of this Commonwealth," approved the sixth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, three hundred thirty-three, number two hundred seventy-three), in so far as it relates to township tax collectors.

An act entitled "An act enabling the taxpayers of townships and road districts to contract for making, at their own expense, the roads, and paying salaries of township or road district officers, and thereby preventing the levy and collection of road tax therein," approved the twelfth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred fifty-one), absolutely.

An act entitled "An act to amend the amendment of the first section of an act, entitled 'An act fixing the pay of road commissioners, and bridge viewers

and reviewers, and appointed commissioners to run township lines and to divide boroughs into wards and township division lines, and surveyors of this Commonwealth, approved the thirteenth day of May, Anno Domini one thousand eight hundred and seventy-four; providing that such commissioners, viewers, and surveyors shall be paid by the proper county or by the petitioners, as the court shall by order direct,' providing for the filing of the report of viewers and a statement of services rendered," approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred eighty-four, number one hundred ninety-seven), in so far as it relates to townships.

An act entitled "An act to authorize cities, boroughs, and townships of this Commonwealth to appropriate moneys for Memorial Day services," approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety-eight, number two hundred sixteen), in so far as relates to townships.

An act entitled "An act to authorize the supervisors, road commissioners, or other officers having in charge the constructing and keeping in repair the public roads in any township in this Commonwealth, to cause to be erected a suitable building in which to hold elections, store road-machinery, and transact township business, and authorizing the construction of the sidewalks," approved twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred twenty-four, number two hundred forty-two), absolutely.

An act entitled "An act conferring upon municipalities the right of eminent domain, for the purpose of appropriating public property for the use of the National Guard of Pennsylvania," approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred thirty-two, number two hundred forty-seven), in so far as it relates to townships.

An act entitled "An act regulating the letting of contracts for the erection and construction of public buildings," approved the second day of July, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred twenty-six, number three hundred four), in so far as it relates to townships.

An act entitled "An act providing for the filling of any vacancy in the office of tax-collector in the several boroughs and townships of this Commonwealth," approved the second day of July, one thousand eight

hundred and ninety-five (Pamphlet Laws, four hundred thirty-four, number three hundred eleven), in so far as it relates to township tax-collectors.

An act entitled "An act to provide for keeping the public highways from becoming blockaded with snow," approved the twenty-sixth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, ninety-eight), absolutely.

An act entitled "An act providing for the election and appointment of road supervisors in the several townships of this Commonwealth, defining their duties, authorizing them to make, repair, and maintain roads and bridges, let contracts for the same, levy and collect taxes, employ labor, divide townships into districts, appoint roadmasters and treasurer, purchase road-making implements and machines, prescribing penalties for violation of this act, and requiring the road supervisors to report to township auditors and to the Secretary of Agriculture, from time to time, and for the repeal of all laws, general, local, or special, inconsistent herewith or supplied hereby," approved the twenty-third day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred ninety-four), absolutely.

Section eleven of an act, entitled "An act supplementary to an act, approved the second day of June, Anno Domini one thousand eight hundred and eighty-seven, entitled 'An act authorizing the condemnation of turnpikes, roads, or highways heretofore or hereafter constructed wholly or in part in any county of this Commonwealth for public use, free from tolls and toll-gates, and the assessment upon the proper county of the damages to which the owner or owners thereof may be entitled, by a jury of viewers duly appointed by the court of quarter sessions of the proper county, and providing for the maintenance of any such condemned turnpike, road, or highway by the proper city, township, or district,' extending its provisions so as to authorize the condemnation of any turnpike, road, or highway, in whole or in part, located upon the line dividing two counties, and to assess the damages payable to the owner or owners thereof equitably between such two counties," approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, seventy-nine), in so far as relates to townships.

An act entitled "An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to pre-

scribe the form of government for townships of each class," approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and four), absolutely.

An act entitled "An act to provide for the licensing of transient retail merchants in cities, boroughs, and townships, and providing a penalty for failure to obtain the same," approved the second day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and fifty-nine), in so far as it relates to townships.

An act entitled "An act to provide for the improvement of the main traveled public roads," approved the second day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred and sixty-four, number one hundred and twelve), absolutely.

An act entitled "An act authorizing the laying out and opening of public roads, which are extensions of streets in cities or boroughs, of equal width with such city or borough street," approved the eighteenth day of March, one thousand nine hundred and one (Pamphlet Laws, fifty-one), absolutely.

An act entitled "An act to amend an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine; by providing that for the purpose of classification the population of townships may be ascertained by proceedings in the courts of quarter sessions, and regulating such proceedings," approved the eleventh day of May, one thousand nine hundred and one (Pamphlet Laws, one hundred and sixty), absolutely.

An act entitled "An act to provide for the levying a tax to erect and maintain a suitable building for the purpose of locking up and keeping criminals and disorderly persons until they can be properly dealt with according to law," approved the eleventh day of May, one thousand nine hundred and one (Pamphlet Laws, one hundred and sixty-nine, number one hundred and thirty-five), absolutely.

An act entitled "An act authorizing appeals from the court of common pleas to the Supreme and Superior Courts, in cases which are appeals from settlements or reports of county, borough, or township auditors," approved the eleventh day of May, one thousand nine hundred and one (Pamphlet Laws, one hundred and eighty-five), in so far as it relates to the reports of township auditors.

An act entitled "An act to amend an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved April twenty-eighth, one thousand eight hundred and ninety-nine," approved the twenty-fourth day of May, one thousand nine hundred and one (Pamphlet Laws, two hundred and ninety-four), absolutely.

An act entitled "An act entitled 'A supplement to an act "To provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class," ' amending the seventh section thereof, and authorizing the township commissioners of townships of the first class to enter into a contract with any one or more taxpayers of the township for making, amending, and repairing the public highways and bridges in said townships," approved the twenty-fourth day of May, one thousand nine hundred and one (Pamphlet Laws, two hundred and ninety-seven, number one hundred and ninety-eight), absolutely.

Section two of an act, entitled "An act authorizing the abandonment by turnpike, road, or highway companies of such portion or portions of their turnpike roads or highways as are separated, as to ownership or possession, from the longest continuous portion thereof remaining in the possession or ownership of such companies, after the appropriation or condemnation to public use of an intermediate portion or portions thereof; also prescribing the method of making such abandonment and the giving of notice thereof to township authorities, and providing for the future disposition of such abandoned portion or portions of said turnpike roads or highways," approved the fourth day of June, one thousand nine hundred and one (Pamphlet Laws, three hundred and fifty-nine), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act supplementary to an act, entitled 'An act to provide for the classification of townships of the Commonwealth, with respect to their population, et cetera,' approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine, imposing a penalty for nonpayment of township taxes in certain cases," approved the fourth day of June, one thousand nine hundred and one (Pamphlet Laws, three hundred and sixty-one, number two hundred and twenty-three), absolutely.

An act entitled "An act to authorize the township commissioners in townships of the first class to lay out, widen, open, and vacate streets and the highways within their respective townships, at the expense of the township or the properties benefited," approved the seventh day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and ten), absolutely.

An act entitled "An act relating to railroad crossings of highways, and for the regulation, alteration, and abolition of grade crossings, except in cities of the first and second classes," approved the seventh day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and thirty-one), in so far as it relates to townships.

An act entitled "An act relating to townships of the first class, providing a method for procedure for violations of law and township ordinances, and for collection of fines and penalties imposed for said violations," approved the tenth day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and fifty-one, number two hundred and sixty), absolutely.

An act entitled "An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works, within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor," approved the tenth day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and fifty-five, number two hundred and sixty-four), in so far as it relates to townships.

An act entitled "An act to amend an act, entitled 'An act to provide for the improvement of the main traveled public roads,' approved May second, one thousand eight hundred and ninety-nine, changing the time said act should be in operation, and imposing a penalty in case of neglect or refusal of supervisors or road commissioners to carry out the provisions of said act," approved the second day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred and eleven), absolutely.

An act entitled "An act to amend clause fifth of section seventh of 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved April twenty-eighth, Anno Domini one thousand eight hundred and ninety-nine; authorizing such townships to enter into contracts with any person or corporation to supply water for fire pro-

tection," approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred and twenty-seven), absolutely.

An act entitled "An act authorizing the grading, paving, and curbing, or macadamizing, of streets and alleys, which may be in whole or in part the boundaries of boroughs, and first class townships, by joint contract, and providing for the payment of costs, damages, and expenses thereof," approved the tenth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred and thirty-seven, number three hundred and twenty-two), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act authorizing any municipality to connect with the sewer of any other municipality and township of the first class, for sewage purposes, and providing a method for ascertaining the damages caused thereby and for the assessment and payment of the same," approved the seventeenth day of July, one thousand nine hundred and one (Pamphlet laws, six hundred and sixty-eight, number three hundred thirty-eight), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act authorizing the boards of township commissioners of townships of the first class to levy and collect a license-tax on stages, hacks, carriages, and other vehicles carrying persons or property for pay, and to limit the rate of fares to be charged therefor," approved the eleventh day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred sixty-four, number one hundred twenty-two), absolutely.

An act entitled "A supplement to an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine; providing for the filling of vacancies, caused by death, resignation, or otherwise, in the office of commissioner and treasurer in the townships of the first class." approved the fifteenth day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred ninety-nine), absolutely.

An act entitled "An act authorizing the township commissioners of townships of the first class to cause sidewalks, footways, and curbing to be constructed along the public highways, and also over properties abutting on turnpike roads in towns and villages," approved the twenty-third day of April, one thousand



nine hundred and three (Pamphlet Laws, two hundred sixty-five, number one hundred ninety-seven), absolutely.

An act entitled "An act to provide for filling vacancies occurring in the office of township treasurer and in boards of township commissioners of townships of the first class," approved the twenty-third day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred sixty-seven, number two hundred and one), absolutely.

An act entitled "An act to provide for charging the cost of construction of sewers and drains, heretofore or hereafter constructed in townships of the first class, against properties accommodated or benefited thereby, authorizing the township commissioners to create sewer districts, to apportion the cost of sewer construction among the same, and to prescribe the manner in which the charges shall be assessed on properties and municipal liens filed for the same, or to assess an annual tax for payment of such cost," approved the twenty-third day of February, one thousand nine hundred and five (Pamphlet Laws, twenty-two), absolutely.

An act entitled "An act to enable townships of the Commonwealth which have heretofore been declared townships of the first class, and which no longer have a population such as is required by law, to again become townships of the second class," approved the fourteenth day of March, one thousand nine hundred and five (Pamphlet Laws, thirty-six), absolutely.

An act entitled "An act authorizing the municipalities of the Commonwealth to vacate, in whole or in part, all streets, lanes, and alleys within their corporate limits, laid out by this Commonwealth, whenever the same or the portion to be vacated shall have remained unopened for a continuous period of thirty years next preceding such vacation," approved the twenty-first day of March, one thousand nine hundred and five (Pamphlet Laws, forty-six), in so far as it relates to townships.

An act entitled "An act providing for the payment of the expense of maintaining prisoners committed to county prisons for nonpayment of fines or penalties imposed for the violation of city or borough ordinances, or ordinances of townships of the first class, by the city, borough, or township of the first class to which such fines are payable," approved the twenty-eighth day of March, one thousand nine hundred and five (Pamphlet Laws, sixty-one, number forty-two), in so far as it relates to townships.

An act entitled "An act to amend an act, entitled 'An act to amend an act, entitled "An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two

classes, and to prescribe the form of government for townships of each class," approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, by providing that, for the purpose of classification, the population of townships may be ascertained by proceedings in the court of quarter sessions, and regulating such proceedings,' approved the eleventh day of May, Anno Domini one thousand nine hundred and one, by providing that those townships having a population of at least two hundred and fifty to the square mile shall be townships of the first class," approved the first day of April, one thousand nine hundred and five (Pamphlet Laws, ninety-seven), absolutely.

An act entitled "An act providing for the election and appointment of road supervisors in the several townships of the second class of this Commonwealth, defining their duties; authorizing them to make, repair, and maintain roads and bridges, let contracts for the same, levy and collect taxes, employ labor, divide townships into districts, appoint roadmasters and treasurer, purchase road-making implements and machines; prescribing penalties for violation of this act, and requiring the road supervisors to report to township auditors and to the State Highway Commissioner, from time to time, and for the payment of a percentage of road tax to townships that abolish the work-tax, and for the repeal of all laws, general, local, or special, inconsistent herewith or supplied hereby," approved the twelfth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred forty-two), absolutely.

An act entitled "An act to provide for the vacation and closing of alleys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits, if any there be," approved the seventeenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred ninety-three), in so far as it relates to townships.

An act entitled "An act to amend the ninth clause of the seventh section of an act, approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' by providing for the prescribing of fines and penalties not exceeding fifty dollars," approved the nineteenth day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred twenty-one, number one hundred sixty), absolutely.

An act entitled "An act to provide for the construction of sidewalks along turnpike roads in townships of the first class, where said roads pass through towns or villages," approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred eighty-three, number one hundred ninety-five), absolutely.

An act entitled "An act providing for the division of townships upon the application of the owners of twenty-five per centum of the assessed valuation of the real estate thereof, and prescribing the manner of holding an election upon the question of division, and declaring any proceeding for a division under former laws to be no bar to proceeding under this act," approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred eighty-eight), absolutely.

An act entitled "An act authorizing vacation of public highways at grade crossings over railroads, and the opening of undergrade or overgrade crossings in lieu thereof, by the court of quarter sessions," approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred ninety-five), in so far as it relates to townships.

An act entitled "An act authorizing contracts between cities, boroughs, and townships, of the one part, and street passenger railway companies and motor-power companies, of the other part; providing for the keeping of certain streets free from street railway tracks, by permitting the temporary relocation or abandonment of tracks already laid, or the postponement of the laying of tracks duly authorized, while preserving the rights of such company to resume the exercise of its said franchises upon the termination or breach of such contract," approved the third day of May, one thousand nine hundred and five (Pamphlet Laws, three hundred seventy-nine), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act providing a method for the removal of township officers for failure to properly perform their duties of office, and providing a remedy in case of complaint," approved the twenty-second day of March, one thousand nine hundred and seven (Pamphlet Laws, twenty-seven, number twenty-three), absolutely.

An act entitled "An act providing for the recovery and collection of municipal claims by lien or by action of assumpsit," approved the fourth day of April, one thousand nine hundred and seven (Pamphlet Laws, forty, number thirty-six), in so far as it relates to townships.

An act entitled "An act fixing the pay of commissioners of roads, viewers, reviewers and re-reviewers of roads and bridges, and commissioners appointed to run, establish, or re-establish township lines, or to divide townships, or to divide townships into election districts or boroughs into wards, in this Commonwealth," approved the fourth day of April, one thousand nine hundred and seven (Pamphlet Laws, forty-four, number forty-one), in so far as it relates to townships.

An act entitled "An act authorizing contracts between cities, boroughs, or townships, of the one part, and street passenger railway companies, surface, elevated or underground, or motor-power companies leasing and operating the franchises and property of such companies, of the other part, affecting, fixing, and regulating the franchises, powers, duties, and liabilities of such companies, the management of the same, the relations and respective rights of the contracting parties, and the ultimate acquisition by such cities, boroughs, and townships of the property, leaseholds, and franchises of said contracting companies," approved the fifteenth day of April, one thousand nine hundred and seven (Pamphlet Laws, eighty), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act providing for the payment of the premiums on bonds of county, city, borough, school districts, and township employes," approved the twenty-third day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred twenty-five, number one hundred seventy-three), in so far as it relates to townships.

An act entitled "An act authorizing and empowering road supervisors in townships of the second class to enter into contract with water companies for the placing of fire-hydrants in any village in said township, to purchase hose, et cetera, and to provide for the collection of funds for that purpose by levying a tax upon all owners of property in the district benefited," approved the twenty-fifth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred thirty-one, number one hundred eighty-two), absolutely.

An act entitled "An act to provide for the alteration of the boundaries of contiguous boroughs and townships within this Commonwealth, by detaching part or parts of the land embraced within the lines of any borough, and annexing such territory to any adjacent or contiguous township or townships, and for adjustment of the indebtedness of the boroughs and townships affected by such change of boundaries or limits," approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred and sixty-four), in so far as it relates to townships.

An act entitled "An act abolishing the office of township tax-collector in townships of the first class, and providing that in such townships all taxes shall be collected by the township treasurer, including State and county taxes," approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred and seventy-three, number two hundred and ten), absolutely.

An act entitled "An act to authorize municipalities or townships to make assessments for municipal improvements outside of their corporate limits, under certain conditions," approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred and eighty-seven, number two hundred and nineteen), in so far as relates to townships.

An act entitled "An act to amend section one of an act, entitled 'An act to amend an act, entitled 'An act to amend an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, by providing that, for the purpose of classification, the population of townships may be ascertained by proceedings in the court of quarter sessions, and regulating such proceedings,' approved the first day of April, Anno Domini one thousand nine hundred and five; by providing that those townships having a population of at least three hundred to the square mile shall be townships of the first class," approved the twenty-ninth day of May, one thousand nine hundred and seven (Pamphlet Laws, three hundred and five, number two hundred and thirty), absolutely.

An act entitled "An act to provide for the planting and care of shade-trees on highways of townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania, and providing for the cost thereof," approved the thirty-first day of May, one thousand nine hundred and seven (Pamphlet Laws, three hundred and forty-nine), in so far as it relates to townships.

An act entitled "An act to amend the fifth section of an act, entitled 'An act relating to roads, highways, and bridges,' approved the thirteenth day of June, Anno Domini one thousand eight hundred thirty-six," approved the seventh day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred and fifty-two, number three hundred and three), in so far as it relates to public roads within townships of the first class.

An act entitled "An act providing a method to secure possession of lands, buildings, or other property acquired under the power of eminent domain," approved the seventh day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred and sixty-one, number three hundred and ten), in so far as it relates to townships.

An act entitled "An act to provide for the vacation and closing of alleys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may be damaged thereby and assess benefits, if any there be," approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, five hundred and three), in so far as it relates to townships.

An act entitled "An act relating to armories for the National Guard of Pennsylvania; authorizing counties, cities, towns, boroughs, and other municipal divisions of the Commonwealth to provide and appropriate moneys, or purchase and convey land, or convey land owned by any county, city, town, borough, or other municipal division of the Commonwealth, to assist the Armory Board in the erection of armories, and to furnish, free of cost to the Commonwealth, water, light, fuel, either or all, for use in any armory," approved the fifteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, thirty-three, number fifteen), in so far as it relates to townships.

An act entitled "An act to provide for the levying a tax to erect and maintain a suitable building for the purpose of housing engines, hose-carts, and other apparatus for the extinguishment of fire, in townships of the first class," approved the eighteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty, number twenty-two), absolutely.

An act entitled "An act to further amend an amendment to section two of 'An act to amend an act, entitled 'An act to amend an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine; by providing that, for the purpose of classification, the population of townships may be ascertained by proceedings in the court of quarter sessions, and regulating such proceedings,' approved the eleventh day of May, Anno Domini one thousand nine hundred and one; by providing that those townships having a population of at least two hundred and fifty to the square mile shall be townships of the first class,' approved the first day of April, Anno Domini one thousand nine hundred and five; by providing the time

within which the population of townships may be ascertained by proceedings in the court of quarter sessions for the purpose of classification," approved the twenty-fourth day of March, one thousand nine hundred and nine (Pamphlet Laws, fifty-six), absolutely.

An act entitled "An act to amend an act approved the fourth day of April, Anno Domini one thousand nine hundred and seven, entitled 'An act providing for the recovery and collection of municipal claims by lien or by action of assumpsit,' by conferring jurisdiction upon justices of the peace in such cases," approved the twenty-fifth day of March, one thousand nine hundred and nine (Pamphlet Laws, seventy-eight), in so far as it relates to townships.

An act entitled "An act making appropriation to pay to townships legally entitled to receive it the fifteen per centum bonus authorized by the second section of an act, approved April twelve, one thousand nine hundred and five, to be paid to townships of the second class which abolish the work tax," approved the first day of April, one thousand nine hundred and nine (Pamphlet Laws, ninety-seven, number fifty-seven), except in so far as it relates to State highways and the officers of the State Highway Department.

An act entitled "An act authorizing the commissioners of any first class township of this Commonwealth to require the paving, curbing, and macadamizing of streets or thoroughfares, or parts thereof, and assess a portion of the cost of the same on the owners of property abutting thereon, and providing for the collection of the same," approved the twenty-second day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and seventeen), absolutely.

An act entitled "An act to permit the acquisition of forest or other suitable lands by municipalities, for the purpose of establishing municipal forests, and providing for the administration, maintenance, protection, and development of such forests," approved the twenty-second day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and twenty-four), in so far as it relates to townships.

An act entitled "An act to authorize and empower the supervisors of the several townships of the second class throughout this Commonwealth, upon a petition of a majority of the real estate owners of any or either of the said townships, to levy and collect an electric-light or other light tax, to be used and expended for lighting the streets and highways, lanes, alleys, and public places thereof, and to make and enter into contracts for such lighting," approved the twenty-third day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and sixty-eight), absolutely.

An act entitled "An act regulating the apportionment of township commissioners of townships of the first class among the election districts of the respective townships, and providing for the election of commissioners at large in case the number of township commissioners of any such township shall exceed the number of election districts in the said townships," approved the twenty-seventh day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and eighty-seven), absolutely.

An act entitled "A further supplement to an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, as to townships of the first class; providing for appropriation by ordinance of the revenue of such townships; the fixing of the tax levy; providing for the way in which orders shall be drawn; specifying certain duties and liabilities of township treasurers; providing for change in appropriations, and prescribing the conditions of the treasurer's bond," approved the twenty-seventh day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred and ninety-eight), absolutely.

Sections one and two of an act, entitled "An act to provide for the appointment of a tax-collector, to prescribe his duties and compensation, in townships and boroughs of this Commonwealth which have heretofore failed or which shall hereafter fail to elect a tax-collector, and when no citizen of such townships and boroughs is willing to qualify and serve as such tax-collector," approved the twenty-seventh day of April, one thousand nine hundred and nine (Pamphlet Laws, two hundred and forty-five), in so far as they relate to township tax-collectors.

An act entitled "An act to empower township and borough auditors to employ an attorney, and providing for their compensation," approved the twenty-seventh day of April, one thousand nine hundred and nine (Pamphlet Laws, two hundred and sixty-one), in so far as it relates to townships.

Section one of an act, entitled "An act to provide for the registration of conveyances of real estate in townships of the first class, in order to facilitate the assessment of taxes therein in the name of the owner of said real estate at the time of the assessment," approved the twenty-ninth day of April, one thousand nine hundred and nine (Pamphlet Laws, two hundred and seventy-five), absolutely.



An act entitled "An act to amend section two of the act, entitled 'An act abolishing the office of township tax-collector in townships of the first class, and providing that in such townships all taxes shall be collected by the township treasurer, including State and county taxes,' approved May twenty-eighth, one thousand nine hundred and seven; providing that nothing in the said act shall take away from or interfere with the powers and duties conferred or imposed upon the treasurer of any county in relation to the collection of State and county taxes by existing laws," approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and one), absolutely.

An act entitled "An act to amend section seven of an act, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' approved June twenty-fifth, one thousand eight hundred and eighty-five, allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him," approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and five), in so far as it relates to township taxes.

An act entitled "An act to authorize municipalities to unite in the construction of a sewage-system, and to permit municipalities to form corporations for the purpose of constructing a sewage-system," approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and six, number one hundred and ninety-eight), in so far as it confers any powers or imposes any duties upon townships.

An act entitled "An act relating to the settlements and audits of the accounts of all officers of boroughs, townships, poor districts, and school districts, and appeals therefrom to the common pleas and thence to the Supreme and Superior Courts, and providing a penalty for violations thereof," approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and ninety-two), in so far as it relates to townships.

An act entitled "An act authorizing townships of the first class and boroughs of this Commonwealth to acquire, by taking and appropriating under right of eminent domain, and by gift, devise, purchase, lease, and otherwise, private property, for the purpose of making, enlarging, extending, and maintaining public parks, parkways, and playgrounds; requiring the consent of the qualified electors to such acquiring in certain cases, and providing the procedure for obtaining such consent; authorizing the said townships and boroughs to improve, maintain, and regulate such parks, parkways, and playgrounds; and providing for the manner of se-

curing, ascertaining, determining, awarding, and paying compensation and damages where property is taken, used, and appropriated for the said purposes," approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and one), in so far as it relates to townships.

An act entitled "An act to amend an act, approved the twenty-fifth day of June, Anno Domini eighteen hundred and eighty-five, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' so as to fix the amount of bond at not more than the amount of taxes charged and assessed in the duplicates delivered to the collectors of taxes," approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventy-four), in so far as it relates to township taxes.

An act entitled "An act to amend an act, entitled 'An act providing for the election and appointment of road supervisors in the several townships of the second class of this Commonwealth; defining their duties; authorizing them to make, repair, and maintain roads and bridges, let contracts for the same, levy and collect taxes, employ labor, divide townships into districts, appoint roadmasters and treasurer, purchase road-making implements and machines; prescribing penalties for violation of this act; and requiring the supervisors to report to township auditors and to the State Highway Commissioner, from time to time; for the payment of a percentage of road tax to townships that abolish the work tax, and for the repeal of all laws, general, local, or special, inconsistent herewith or supplied hereby,' approved the twelfth day of April, Anno Domini one thousand nine hundred and five; providing for the appointment of a secretary and a treasurer, and fixing their compensation; providing for the payment of road tax in cash and for the payment to the townships by the State of fifty per centum of the amount of road tax collected in said townships; providing for the withholding of the warrant due to any township if the money is not properly expended; specifying the duties of roadmasters and supervisors; prescribing the method of collecting the road tax; providing that supervisors shall receive payment for their services; requiring clerks of courts to make annual report of the names of township supervisors and commissioners; to abolish the office of township clerk; and making an appropriation to carry out the provisions of this act," approved the thirteenth day of May, one thousand nine hundred and nine (Pamphlet Laws, seven hundred and fifty-two), absolutely.

An act entitled "A supplement to an act, entitled 'An act relating to roads, highways, and bridges,' approved the thirteenth day of June, Anno Domini eighteen hun-

dred and thirty-six," approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and twenty-three), in so far as it relates to townships.

An act entitled "An act to authorize road supervisors to subscribe for not more than three publications whose main subject-matter pertains to good roads and road building, to be paid for out of township funds," approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and sixty-five), absolutely.

An act entitled "An act to amend section one of 'An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works, within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor,' approved the tenth day of June, one thousand nine hundred and one, so as to extend the same to townships of the first class," approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and sixty-eight), in so far as it relates to townships.

An act entitled "An act providing for notification of taxables by tax-collectors in boroughs and townships, prescribing the contents of such notices, and providing for the payment of the expenses thereof," approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and seventy, number one hundred and twenty-three), in so far as it relates to townships.

An act entitled "An act to empower any taxpayer of any township, borough, poor district, or school district, upon providing for costs, to appeal in behalf of such municipality to the court of common pleas of the proper county from the judgment of any justice of the peace or alderman against such municipality, and to become a party to such suit," approved the eleventh day of May, one thousand nine hundred and eleven (Pamphlet Laws, two hundred and eight, number one hundred and fifty-two), in so far as it relates to townships.

An act entitled "An act empowering the commissioners of any first class township of this Commonwealth, without petition of property owners, to grade, pave, curb macadamize, and otherwise improve, public streets or thoroughfares, or parts thereof, when said streets or thoroughfares, or parts thereof, do not exceed one thousand feet in length and connect two streets or thoroughfares theretofore paved and improved, and providing for the assessment of a portion of the costs of the same on the owners of property abutting thereon,

and the collection thereof," approved the twelfth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and seven), absolutely.

An act entitled "An act authorizing boroughs to unite with boroughs or townships in constructing or acquiring and maintaining works for supplying water to such boroughs or townships," approved the first day of June, one thousand nine hundred and eleven (Pamphlet Laws, five hundred and forty-one, number two hundred and one), in so far as it confers any powers or imposes any duties on townships.

An act entitled "A further supplement to an act, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, as to townships of the first class; providing for certain duties of the secretary of the board of commissioners; invalidating contracts, hirings, purchases, or orders not provided for by or in excess of appropriations; providing for inspection of the records and documents by taxpayers, and the method of making contracts," approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and twenty-six), absolutely.

An act entitled "An act providing for the election of commissioners of townships of the first class of this Commonwealth, and the filling of vacancies in the office of township treasurer and township commissioner in said townships," approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and twenty-eight), absolutely.

An act entitled "An act authorizing road supervisors in townships of the second class to aid in the construction of sidewalks along public highways through towns and villages in said townships," approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and thirty-eight), absolutely.

An act entitled "An act providing for the payment of the costs of proceedings and the expenses of maintaining prisoners committed to county prisons, either for nonpayment of fines or penalties imposed for, or while awaiting a hearing upon, any charge for the violation of any city or borough ordinance, or any ordinance of townships of the first class, by the city, borough, or township of the first class whose ordinances are alleged to have been violated, or to which any such fines or penalties are payable," approved the seventh day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and seventy-seven, number two hundred and sixty-eight), in so far as it relates to townships.

An act entitled "An act relating to the settlement and audit of the accounts of all officers elected or appointed of boroughs, townships, poor districts, and school districts, prescribing the time for such settlement and audits, for the matters to be contained in the report of settlement and audit, for the filing of said report in the office of the clerk of quarter sessions, and for appeals to the court of common pleas and Superior and Supreme Courts," approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, eight hundred and sixty-five), in so far as it relates to townships.

An act entitled "An act relating to roads, providing for the election and appointment of township supervisors in second class townships, defining their powers, duties, and limitations relating to road tax and the expenditures thereof; abolishing the work tax; defining certain duties of the clerk of court; fixing penalties for violation of this act, and making an appropriation to carry out its provisions," approved the fourteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred and forty-two), absolutely.

An act entitled "An act to amend the first and second sections of an act, approved the first day of May, Anno Domini one thousand nine hundred and nine, entitled 'An act to authorize municipalities to unite in the construction of a sewage-system, and to permit municipalities to form corporations for the purpose of constructing a sewage-system' by including townships," approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred and sixty-six), in so far as it confers any powers or imposes any duties upon townships.

An act entitled "An act regulating the construction and repair of highways over drains or culverts," approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred and eighty-two), in so far as it relates to township roads.

An act entitled "An act relating to the location, construction, and maintenance of viaducts and bridges in townships of the first class and adjacent territory; empowering the board of commissioners of the several townships of the first class of this Commonwealth to construct or have constructed bridges or viaducts over rivers, creeks, streams, railroads, and private land, or over and across railroads and any of them, or over and across railroads, for public highways; and to procure locations therefor by purchase or condemnation proceedings, whether the same be wholly within, or partly within and partly without, the township limits; authorizing said townships to unite and enter into a contract or contracts with the county commissioners of the proper county, and with railroad, street railway,

and other companies and parties interested, or with any of them, for the erection, construction, and maintenance of said viaducts and bridges, and for the payment of the damage caused by their location and erection; and forbidding any railroad company to pass under or upon any such viaduct or bridge without contributing to the cost of maintenance thereof," approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred and eighty-seven), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act to amend the first section of an act, approved the eighth day of June, Anno Domini one thousand nine hundred and seven, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits, if any there be,' by fixing the number of the jury at three," approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand and thirty-six), in so far as it relates to townships.

An act entitled "An act to require the owners of property abutting on sidewalks established by townships of the first class to keep said sidewalks in repair and clear of obstruction," approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand sixty-six), absolutely.

An act entitled "An act to amend the first section of an act, approved the seventeenth day of April, Anno Domini one thousand nine hundred and five, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits, if any there be,' by fixing the number of the jury at three," approved the twentieth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand eighty-seven), in so far as it relates to townships.

An act entitled "An act to amend the first section of an act, approved the tenth day of June, one thousand nine hundred one, entitled 'An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and work within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor,' as amended by the first section of an act, approved the fifth day of May, one thousand nine hundred eleven, entitled 'An act to amend section one of "An act authorizing and empower-

ing boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor," approved the tenth day of June, one thousand nine hundred and one, so as to extend the same to townships of the first class,' by extending the act to include townships of the second class," approved the fifteenth day of April, one thousand nine hundred and thirteen (Pamphlet Laws, sixty-six), in so far as it relates to townships.

An act entitled "An act to authorize townships of the first class to provide for fire protection," approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred forty-four, number ninety-four), absolutely.

An act entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws, one hundred and fifty-five, number one hundred and four), in so far as it relates to townships.

An act entitled "An act providing for an association of township supervisors and commissioners in the several counties of the State, and providing for the expenses of such associations," approved the eighth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred fifty-nine), absolutely.

An act entitled "An act requiring a license for conducting any business the whole or greater part of which shall consist of the sale of goods which shall be held forth, represented, or advertised to be goods of, or obtained from, the estate of any bankrupt; or goods of, or obtained from, an assignee, or a person, firm, or corporation about to go out of business; or goods to have been damaged in any way; and regulating such licensing, and fixing a penalty for violation of this act," approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and twenty-seven), in so far as it relates to townships.

An act entitled "An act providing for notification of taxables, by township treasurers in townships of the first class, prescribing the contents of such notices, and providing for the payment of the expenses thereof, and further providing a penalty for noncompliance therewith," approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and forty-eight), absolutely.

An act entitled "An act to amend the title, the first section, the second section, and the third section of an act of Assembly, entitled 'An act relating to the settlement and audit of the accounts of all officers, elected or appointed, of boroughs, townships, poor districts, and school districts; prescribing the time for such settlement and audits, for the matters to be contained in the report of settlement and audit, for the filing of said report in the office of the clerk of quarter sessions, and for appeals to the court of common pleas and Superior and Supreme Courts,' approved the ninth day of June, Anno Domini one thousand nine hundred and eleven, by repealing so much thereof as applies to school districts," approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred fifty-four), in so far as it relates to the audit of township accounts.

An act entitled "An act to amend section one of an act, approved the third day of May, Anno Domini one thousand nine hundred and nine, entitled 'An act authorizing townships of the first class and boroughs of this Commonwealth to acquire, by taking and appropriating under right of eminent domain, and by gift, devise, purchase, lease, and otherwise, private property, for the purpose of making, enlarging, extending, and maintaining public parks, parkways, and playgrounds; requiring consent of the qualified electors to such acquiring in certain cases, and providing the procedure for obtaining such consent; authorizing the said townships and boroughs to improve, maintain, and regulate such parks, parkways, and playgrounds; and providing for the manner of securing, ascertaining, determining, awarding, and paying compensation and damages where property is taken, used, and appropriated for the said purposes,' by changing the limitations of the amount of money which such township or borough, in the exercise of the authority granted by said act, shall, within any period of three years, obligate itself to pay, without the consent of a majority of the qualified electors," approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred fifty-seven), in so far as it relates to townships.

An act entitled "An act providing a method whereby highways, the center line of which constitutes a dividing line between a city or borough and a township in the same county, may be altered or improved, and the cost thereof apportioned," approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred sixty-seven), in so far as it confers any powers or imposes any duties on townships.

An act entitled "An act to amend section eighteen of an act, approved the twenty-eighth day of April, one thousand eight hundred ninety-nine, entitled 'An act



to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' " approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred eighty-three), absolutely.

An act entitled "An act to amend an act, approved the twenty-fifth day of June, one thousand eight hundred eighty-five, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' as amended by an act, approved the second day of June, one thousand eight hundred ninety-one, entitled "An act to amend section nine of an act, approved the twenty-fifth day of June, one thousand eight hundred and eighty-five, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' by providing the time in which tax collectors shall pay over tax and make settlements," approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred eighty-four), in so far as it relates to township taxes.

An act entitled "An act to amend an act, approved the third day of June, one thousand nine hundred and eleven, entitled 'A further supplement to an act, entitled "An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class," approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and ninety-nine, as to townships of the first class; providing for certain duties of the secretary of the board of commissioners; invalidating contracts, hirings, purchases, or orders not provided for by or in excess of appropriations; providing for inspection of the records and documents by taxpayers, and the method of making contracts,' " approved the twenty-third day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred six), absolutely.

An act entitled "An act authorizing the commissioners of any township of the first class of this Commonwealth to grade, pave, curb, macadamize, or otherwise improve any street, lane, or alley, or part thereof, in the said townships, and to construct sewers; and providing for the ascertainment, levy, assessment, and collection of the costs, damages, and expenses thereof, upon and from the property benefited, and requiring maps or plots of streets or alleys, in townships of the first class, to be approved by the commissioners of said townships before recording the same,' " approved the twenty-third day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred forty-eight, number two hundred thirty-six), absolutely.

An act entitled "An act authorizing townships of the first class to lay sewers in and under county and State highways, and providing for the ascertainment, levy, and collection of the costs and expenses thereof," approved the twenty-third day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred fifty-three), absolutely.

An act entitled "An act giving to all owners or tenants of lands, property, or material, abutting on or through which pass roads, streets, lanes, or alleys, injured by the laying out, opening, widening, vacating, extending, or grading of said roads, streets, lanes, or alleys, or the changing of grades and lines thereof, by cities, counties, boroughs, or townships within this Commonwealth; the construction and the vacating by said cities, counties, boroughs, or townships of bridges, and the piers, abutments, approaches, embankments, slopes, or causeways therefor, or leading thereto, which abut on or pass through or along said lands, property, or material; and the construction by said cities, counties, boroughs, or townships of sewers in, over, upon, along, or through said lands, property, or material, the right to damages for said injuries; directing all juries of view appointed, or that shall hereafter be appointed under existing laws, for assessing damages or benefits for taking, using, occupying, or injuring lands, property, or material, to assess said damages, if any, against said cities, counties, boroughs, or townships, as the case may be, and the benefits, if any, in connection therewith; granting the right of appeal to the proper court of common pleas from the report of said juries, and the trial by jury in said court of common pleas, and the right to file exceptions to said report, and the right of appeal to the Superior Court or Supreme Court, after disposal of exceptions or verdict and final judgment; and providing that this act shall apply to all existing and future proceedings," approved the twenty-eighth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred sixty-eight), in so far as it relates to townships.

An act entitled "An act authorizing and empowering township supervisors in townships of the second class to enter into contract with electric, gas, or other light companies, for the purpose of lighting and illuminating the streets, highways, and other public places in any village in said township, and to provide for the collection of funds for that purpose by levying a tax upon owners of property in the district benefited," approved the twenty-eighth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred seventy-one), absolutely.

An act entitled "An act relating to the reports of auditors of boroughs, townships, and poor districts, and appeals therefrom; giving certain powers to taxpayers in connection therewith, and prescribing the practice to be pursued in all appeals from such auditors' reports," approved the thirty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred ninety-four), in so far as relates to townships.

An act entitled "An act amending the sixth section of an act, approved the twenty-eighth day of April, eighteen hundred and ninety-nine, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,' " approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred twenty-four), absolutely.

Section ten of an act, entitled "An act establishing a Commission of Water-works in boroughs and incorporated towns of this Commonwealth, and providing for the appointment of commissioners of water-works, and prescribing their powers and duties," approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred forty-five), in so far as it relates to townships.

An act entitled "An act authorizing the board of township commissioners, in townships of the first class, to join with the county commissioners in the improving of roads or streets in first class townships; providing for the assessment of a part of the cost upon the abutting property," approved the nineteenth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred forty-one), absolutely.

An act entitled "An act to authorize townships of the first class to provide for the collection and removal of ashes and garbage accumulating therein," approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-one, number three hundred fifty-nine), absolutely.

An act entitled "An act authorizing the township commissioners of townships of the first class to ordain and establish sidewalks along the principal streets and highways of the township leading directly to or connecting cities, borough, villages, or places of public resort, providing for and regulating the construction of the same, and authorizing the township commissioners to charge a part of the expense of constructing the same, including the grading and curbing thereof, upon the abutting property owners, and to defray the remaining part of such expense from the public funds of the town-

ship," approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-one, number three hundred sixty), absolutely.

An act entitled "An act to amend section two of the act, approved the fourteenth day of June, one thousand nine hundred and eleven, entitled 'An act relating to roads; providing for the election and appointment of township supervisors in second class townships; defining their powers, duties, and limitations relating to road tax, and the expenditures thereof; abolishing the work-tax; defining certain duties of the clerk of court; fixing penalties for violation of this act, and making an appropriation to carry out its provisions,' so as to provide for a further adjustment of valuation of property made between the date of the levy of the tax and payment of same," approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred sixty-seven), absolutely.

An act entitled "An act to authorize the board of commissioners of every township of the first class to establish lights upon State highways and turnpike roads in such townships," approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and seventy-one), absolutely.

Sections four, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, and twenty of an act, entitled "An act relating to roads; providing for the supervision, construction, maintenance, and repair of township roads; relating to road-tax, and providing penalties for the violation thereof," approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and fifteen), absolutely.

Sections five, seventeen, eighteen, nineteen, and twenty-one of an act, entitled "An act relating to roads; providing for the supervision, construction, maintenance, and repair of township roads; relating to road-tax, and providing penalties for the violation thereof," approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and fifteen), except in so far as they confer any powers, impose any duties or penalties on the State Highway Department, or any of its officers or agents, or on the clerks of the courts of quarter sessions.

An act entitled "An act enabling townships of the first class to provide, regulate, and protect a system of water-supply, and to contract with certain adjoining municipalities for such water, and granting and regulating the right of eminent domain and the right to occupy highways," approved the ninth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, seventy), absolutely.

An act entitled "An act providing for the payment of judgments and mortgages and other claims which are liens on property affected by public improvements, or appropriated by the exercise of the right of eminent domain," approved the fourteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and twenty-two, number fifty-seven), in so far as it relates to townships.

An act entitled "An act relating to the competency of witnesses, and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain," approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and fifty-nine, number eighty-three), in so far as it relates to townships.

An act entitled "An act relating to appeals from the reports of auditors of boroughs, townships, and poor districts," approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and sixty-two, number eighty-five), in so far as it relates to townships.

An act entitled "An act prohibiting any city, county, or municipality from imposing or collecting any license fee upon insurance companies or their agents, or insurance brokers, licensed to transact business by the Insurance Commissioner," approved the third day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and seventeen), in so far as it relates to townships.

An act entitled "An act to amend an act approved the twenty-first day of May, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and eighty-three), entitled 'An act to amend section eighteen of an act, approved the twenty-eighth day of April, one thousand eight hundred ninety-nine, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,'" approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and three), absolutely.

Section one of an act, entitled "An act to amend sections one and two of an act, approved the twenty-ninth day of April, Anno Domini one thousand nine hundred and nine, entitled 'An act to provide for the registration of conveyances of real estate in townships of the first class, in order to facilitate the assessment of taxes therein in the name of the owner of said real estate at the time of the assessment,' so as to exclude from the provisions of the act townships of the first class in counties having a board for the assessment

and revision of taxes for State and county purposes," approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, four hundred and eighty-nine), absolutely.

An act entitled "An act providing for taxing the owners and harborers of dogs in townships of the first class of the Commonwealth, and for the destroying of dogs," approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred and twenty), absolutely.

An act entitled "An act amending the first paragraph of the fourth section of the act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class,'" approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and eighty-four), absolutely.

An act entitled "A supplement to an act, approved the twenty-second day of July, one thousand nine hundred and thirteen, entitled 'An act relating to roads; providing for the supervision, construction, maintenance and repair of township roads; relating to road tax, and providing penalties for the violation thereof,'" approved the third day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred and six), absolutely.

An act entitled "An act to amend an act, approved the fourteenth day of April, one thousand nine hundred fifteen, entitled 'An act providing for the payment of judgments and mortgages and other claims which are liens on property affected by public improvements, or appropriated by the exercise of the right of eminent domain,'" approved the eleventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and forty-two), in so far as it relates to townships.

Section one of an act, entitled "An act to amend sections five, nine, and fifteen of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen, entitled 'An act relating to roads; providing for the supervision, construction, maintenance, and repair of township roads; relating to road-tax, and providing penalties for the violation thereof,'" approved the eleventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and forty-seven, number four hundred and eighteen), except in so far as it confers any powers or imposes any duties on the State Highway Department.

Sections two and three of an act, entitled "An act to amend sections five, nine, and fifteen of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen, entitled 'An act relating to roads; providing for the supervision, construction, maintenance, and repair of township roads; relating to road-tax, and providing penalties for the violation thereof,'" approved the eleventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and forty-seven, number four hundred and eighteen), absolutely.

An act entitled "An act to provide that assessments of damages for the opening or widening of any street or highway, in any city or borough or other municipality in this Commonwealth, shall include all damages for the opening or widening of the street or highway at the existing confirmed grade of such street or highway," approved the fifteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and eighty-five, number four hundred and twenty-six), in so far as it relates to townships of the first class.

Section 1501. All other acts and parts of acts inconsistent with this act are repealed. This act shall not repeal or modify any of the provisions of the Public Service Company Law, nor the act entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five. Nor shall this act repeal or modify any of the provisions of any act of Assembly amendatory of law in force at the time of the passage of this act, or otherwise adopted at the session of the General Assembly of one thousand nine hundred and seventeen, whether such acts were adopted prior to the passage of this act or shall be adopted subsequent to the passage of this act; nor shall this act repeal any such act, or part thereof, in force at the time of the passage of this act, which is amended by any act of Assembly adopted at the session of the General Assembly of one thousand nine hundred and seventeen.

APPROVED—The 14th day of July, A. D. 1917.

MARTIN G. BRUMBAUGH.