

No. 376

## AN ACT

To amend section sixteen of an act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred and sixty-eight), entitled "An act relating to the commencement of actions," by relieving sheriffs from responsibility for bail on writs of *capias ad respondendum* when any surety taken is approved by the court issuing the writ.

Practice and procedure.

Section 16 of act of June 13, 1836 (P. L. 568), amended.

Responsibility to plaintiff of sheriff taking bond.

Section 1. Be it enacted, &c., That section sixteen of an act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred and sixty-eight), entitled "An act relating to the commencement of actions," is hereby amended to read as follows:

Section 16. The sheriff taking any bond as aforesaid shall be responsible to the plaintiff for the sufficiency of the bail therein, *unless one surety on such bond has been previously approved by a judge of the court issuing the writ*; but such responsibility shall cease and determine:

First. If the plaintiff shall not except to the bail, *taken without such approval*, within the time allowed for that purpose; or,

Second. If upon exception made the bail, *taken without such approval*, shall justify to the satisfaction of the court or of the commissioner authorized for the purpose; or,

Third. If upon such exception other bail shall be added or substituted and *approved by such judge or justify* as aforesaid.

APPROVED—The 4th day of May, A. D. 1927.

JOHN S. FISHER

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No. 377

## AN ACT

Making the power of taxation of cities of this Commonwealth security for the taking, injury, or destruction of private property for public use, without the entry of a bond.

Cities.

Power to tax to be security for private property taken for public use.

No further security required.

Section 1. Be it enacted, &c., That in all cases where cities of this Commonwealth are, or shall be, required to give, enter, or tender security for the taking, injury, or destruction of private property for public use, the funds raised, or proper and lawful to be raised, by the power of taxation in and by said cities, shall be pledged, and are hereby made security, to the owner or owners of private property so taken, injured, or destroyed, for all damages which they may sustain on account of the taking, injury, or destruction of their property for public use by said cities; and the latter shall not be required to give, enter, or tender any further security, or to give, enter, or tender

any bond or bonds whatever: Provided, however, That if and when, by appropriate petition, it shall appear to the proper court that the power of taxation of any city is not sufficient security in a particular proceeding, said court may require said city to give, enter, or tender bond therein with surety. Proviso.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed. Repeal.

APPROVED—The 4th day of May, A. D. 1927.

JOHN S. FISHER

No. 378

AN ACT

To amend sections one and nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," extending the provisions of said act so as to provide for the filing and collection of municipal claims for power rates.

Section 1. Be it enacted, &c., That section one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred seven), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," is hereby amended to read as follows:

Municipal liens.

Section 1 of act of May 16, 1923 (P. L. 207), amended.

Section 1. Be it enacted, &c., That the word "taxes," as used in this act, means any county, city, borough, incorporated town, township, school, bridge, road, or poor taxes.

Definitions.

"Taxes."

The word "highway," as used in this act, means the whole or any part of any public street, public road, public lane, public alley, or other public highway.

"Highway."