

## No. 205

## AN ACT

To amend section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, one hundred forty-seven), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this commonwealth," increasing the compensation of coroner's jurors.

Section 1. Be it enacted, &c., That section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, one hundred forty-seven), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth," is hereby amended to read as follows:

Section 1, act of  
June 11, 1879  
(P. L. 147),  
amended.

Section 1. Be it enacted, &c., That all persons hereafter summoned or notified to serve as coroner's jurors, in this commonwealth, shall be entitled to receive as compensation the sum of [one dollar] *two dollars* per day, [when the time employed does not exceed six hours, and in all cases where the time employed exceeds six hours the compensation shall be one dollar and fifty cents per day, and the same compensation for all additional days] and no mileage; these fees to be paid in the same manner that the fees of coroner's jurors are now paid.

APPROVED—The 20th day of May, A. D. 1937.

GEORGE H. EARLE

## No. 206

## AN ACT

To amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred twenty), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," as amended, by providing for payment by the Commonwealth, out of the Motor License Fund, of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures where the county does not agree to such changes or removals; requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners; and fixing the time when the Secretary of Highways may begin work.

Section 1. Be it enacted, &c., That section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred twenty), entitled "An act providing for

Section 3, act of  
June 23, 1931  
(P. L. 920), as  
amended by act  
of June 1, 1933  
(P. L. 1412),  
further amended.

the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," as amended by the act, approved the first day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand four hundred twelve), is hereby further amended to read as follows:

Damages.

Section 3. Before the Secretary of Highways shall undertake the construction, *reconstruction* or improvement of any State highway in a borough or incorporated town wherein a change of width or existing lines and location is necessary, and damages are likely to result to abutting property, he shall notify the county commissioners of the proper county, in writing, of the contemplated change in such existing *width*, lines and location. [Whereupon the county commissioners, when possible, shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners, which damages, if agreed upon, shall be paid by the county.]

[In case no agreement satisfactory to the county commissioners and the said owner or owners can be made, the Secretary of Highways may not proceed with the work of construction and improvement unless the county commissioners agree that the said secretary may proceed, and, in such cases, the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways; and such damages, when ascertained, shall be paid by the county in which the State highway is located; and the county shall also provide for the removal of all structures within the lines of the highway.] *After the county commissioners have agreed to such changes or refuse to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction, reconstruction and improvement. After the receipt of the notice as above provided, the county commissioners, if they approve such change of width, or of existing lines and location, and agree thereto in writing, shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners. Whenever the amount so agreed upon shall exceed the sum of three hundred dollars (\$300), the same shall not be paid by the county until the proposed agreement shall have been filed by the county*

When work may be started.

Damages.

Agreements for over \$300 shall be filed in the prothonotaries' office.

commissioners in the office of the prothonotary of the county in which the property damaged is situated. If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided, the county commissioners may pay the amount so agreed upon. If exceptions thereto are filed within ten days after such notice, the proceedings shall be presented to the court of quarter sessions for its approval. The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard, and the court shall either approve or disapprove the agreement as it deems proper. If the court disapproves the agreement, it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon. In such cases, if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it, such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court. Notice of the filing of such agreement in the office of the prothonotary, and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing, and be heard together with his witnesses as the case may be. Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided, shall be paid by the county, or in case an agreement satisfactory to the county commissioners, and said owner or owners cannot be made, and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by viewers, shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways. The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas, and shall be entitled to a trial by jury. From the judgment of the court of common pleas, an appeal may be had to the Supreme or Superior Court as in other cases. Such damages when ascertained, shall be paid by the county in which the State highway is located.

Exceptions.

Court of quarter sessions.

Notice.

Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary, he shall when possible enter

*into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor, and if agreed upon, such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund, or if such agreement cannot be made, the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage, as well as any benefits, in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change, but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund.*

County liable for damages to property on intersecting highways.

*The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width, lines or location for the construction of a State highway, such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways, and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location, then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners, and such damages shall also be paid from the Motor License Fund. The county shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways, and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund. Any moneys in the Motor License Fund necessary to make the payments required by the section are hereby specifically appropriated to the Department of Highways.*

Where county refuses to assume all damages.

*If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided, the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways, or shall perform specified work for the benefit of the owner in lieu thereof, or shall participate in the total damage expense in such other manner as may be agreed upon.*

*Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width, lines or location of any State highway in a borough or incorporated town where such highway was widened, or the lines or location changed prior to the date this act takes effect, but all such damages and costs shall be paid, as heretofore provided by law prior to the date this act takes effect.*

Commonwealth is not liable for damages occasioned prior to this act.

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 21st day of May, A. D. 1937.

GEORGE H. EARLE

No. 207

AN ACT

To further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending, and changing the law relating thereto.

Section 1. Be it enacted, &c., That section one thousand and six of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as last amended by section one of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand one hundred seventy-four), and by section four of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand two hundred ninety), is hereby further amended to read as follows:

Boroughs.

Section 1006, act of May 4, 1927 (P. L. 519), as amended by acts of July 18, 1935 (P. L. 1174), and July 18, 1935 (P. L. 1290), further amended.

Section 1006. Duties of Council.—It shall be the duty of the council, a majority of whom shall be a quorum:

I. To meet statedly at least once a month.

II. To make and preserve full records of their proceedings.

III. To enact, revise, repeal, and amend such laws, rules, regulations, and ordinances, not inconsistent with the laws of the Commonwealth, as it shall deem beneficial to the borough and to provide for the enforcement of the same.

IV. Except where otherwise in this act provided, to publish, once in one newspaper printed in the county,