

any owner or owners will be likely to sustain by reason of the proposed improvement; after ascertaining the whole amount of damages they shall assess the same equitably, justly and without partiality, upon the properties that may be, or will likely be, benefited by said improvement; they shall make or cause to be made a plot of the proposed improvement, indicating its location and the location, size, boundaries and improvements of each property damaged or benefited, with the name of the owner or owners of each, and shall prepare a statement showing the amount of damages allowed and the assessment made in each case; they shall give ten days' notice to the owner of each property of the time and place when he may see said plot and statement and when they will hear any complaints or evidence he may have to offer on the subject; they shall hear and consider all complaints and evidence that may be presented at the time and place appointed, and after making any corrections or modifications they may deem necessary or just, they shall make a report to said councils, accompanied by the plot aforesaid, stating the aggregate amount of damages, the amount allowed in each case and to whom payable, and also describing each property assessed, the amount assessed thereon and the name of the owner.

Authorized to
qualify witnesses.

Majority may act.

Viewers may recom-
mend that buildings
partially on streets
shall remain.

Councils to hear
parties aggrieved.

Notice of final ap-
proval of report by
councils.

SECTION 9. Said viewers shall be and are hereby authorized to administer oaths to all witnesses examined before them, and a majority of said viewers shall be sufficient in all cases to perform the duties required of them by this act.

SECTION 10. In the matter of opening or widening of streets, lanes or alleys, the viewers shall have the right to recommend that buildings situated partially on the street, lane or alley to be opened or widened, shall be permitted to remain thereon for such time as they may deem proper, and if the report shall be so approved the owners thereof may continue the said buildings during the time designated, and whenever the report of viewers for the opening or widening of any street, lane or alley shall be finally approved, the same shall become a public highway and the city authorities may enter upon and open the same for public use, subject to the right of owners to maintain buildings thereon, when the proceedings provide therefor, during the time designated.

SECTION 11. The city councils shall hear appeals submitted in writing by any party aggrieved by the report of the viewers and shall have power to approve the report, to send the same back for further action, or quash the proceedings.

SECTION 12. Whenever the report of viewers shall be finally acted upon by councils and approved by them, it shall be the duty of the city clerk to give notice of that fact in the papers authorized to do the city printing, for three consecutive days, and their action shall be

final and conclusive upon all parties, unless within ten days after the first publication of said notice, some person interested therein shall present a petition to the court of common pleas by whom the viewers were appointed, containing a clear, succinct statement of each and every ground of objection to the report, and upon hearing thereof all other objections shall be regarded as waived and no other objection shall be considered, unless by special leave of court. The petitioners shall notify the city attorney of the time of making his or their application, and furnish him a copy of such petition and specification of objections not less than twenty-four hours before presenting said application. If upon hearing of such petition the court shall be of opinion that the same is in proper form and well founded it shall direct the application to be filed. And, upon notice of filing thereof, the city clerk shall certify to the court all the papers and proceedings in the case, and thereupon the court shall take such action in the premises as they may deem right and proper, and shall have power to hear evidence in open court before a judge thereof and modify or approve the report or quash the proceedings, may refer the same back to the board of viewers of street improvements or appoint re-viewers, who shall proceed in the manner directed for proceeding by such board of viewers.

Their action final unless exceptions be filed in common pleas.

Notice of exceptions to city attorney.

Duty of city attorney.

Duty of court.

SECTION 13. In case of reference to the said board of viewers or re-viewers, they shall report to the court referring or appointing the same and may use the maps and plots prepared for the original view, with such additions as may be found necessary, and the court shall have like power to hear evidence, qualify, correct or approve their report or quash their proceedings, and the final order or decree of the court thereon shall be binding and conclusive upon all parties as to matters of fact, but an appeal may be had to the Supreme Court upon any question of law submitted in writing to the court of common pleas in the course of said proceedings: *Provided*, The same shall be taken within twenty days after the final order or decree.

Proceedings if report is referred back to viewers.

Appeal to Supreme Court: may be taken.

SECTION 14 After the final approval by councils or the court, in case of appeal, the report of the board of viewers in the opening of streets, the plot and report of the board of viewers shall be handed over to the city attorney to collect the assessments and pay the damages; he shall give notice that if said assessments are not paid within thirty days of the date of said notice, liens will be filed therefor against the properties assessed with interest, costs and fees; if the assessments are not paid within thirty days he shall file liens therefor in any of the courts of common pleas of the county in which said city may be situated within the time hereinafter prescribed and proceed to collect the same, with interest from the date of the approval by councils

On failure to pay assessments liens to be entered and collected.

or by the said court and five per centum additional as the attorney's fee for collection.

GRADING AND PAVING.

Councils may cause streets, &c., to be graded and paved.

SECTION 15. The said councils are hereby authorized, whenever they may deem the same necessary, to cause to be graded, paved or macadamized, any public street, lane or alley or any part thereof which is now, or which may hereafter be laid out or opened in said city or which may be in whole or in part boundaries of said city, and have the same set with curbstone; the costs and expenses thereof and damages occasioned thereby shall be assessed upon the property benefited thereby as hereinafter directed: *Provided*, That no street, lane or alley or any part thereof shall be so graded, paved or macadamized, unless upon the petition of the owners of one-third the property fronting or abutting thereon.

Proviso.

Affidavit to accompany petition for improvements.

SECTION 16. Such petition shall be accompanied by an affidavit of some credible person interested therein, setting forth that the names attached thereto are the genuine signatures of the persons represented, that they are the owners of property on the street, lane or alley, or portion thereof proposed to be graded, paved or otherwise improved and that the signers thereof own the one-third of the property fronting or abutting thereon. Upon the presentation of such petition the councils shall have, and are hereby given the authority, by ordinance to order and direct such improvements to be made. And thereafter the fact that said petition was signed by the owners of one-third of the property abutting on such street, lane or alley shall not be questioned in any proceedings had in accordance therewith.

Action of councils thereon.

Effect of such affidavit.

How damages shall be adjusted.

SECTION 17. Whenever any street, lane or alley, or any part thereof, has been graded, paved or macadamized in pursuance of the preceding section, it shall be the duty of the department of public works of such city, upon the completion and acceptance of such improvements, to furnish to the said board of viewers of street improvements, a statement in writing of the cost and expense thereof, and thereupon the said board of viewers shall proceed to view the premises and ascertain the damages occasioned thereby, and in all cases where the damages shall exceed the benefits the excess thereof shall be added to the cost and expense of the construction aforesaid, and the amount thus ascertained shall be justly and equitably assessed upon property benefited thereby, and the said board of viewers in making such assessments shall conform in all respects to the duties prescribed in section eight of this act, and they shall report the same to the councils for their approval; and the right of appeal to councils and court and the proceedings thereon shall be as provided in section twelve of this act.

SECTION 18. Any city of the second class, in grading any street, lane or alley or any part thereof, shall be

and is hereby authorized and empowered to use so much of the lots and lands abutting on the same for the construction of embankments, slopes and culverts as may be necessary and proper for the completion of the improvements; and the damages resulting thereby shall be regarded as other damages caused by grading streets in said city and assessed and collected as part of the costs thereof.

Materials for grading may be taken from lots abutting on the street.

Damages therefor.

SECTION 19. Whenever councils of any such city order the grading, paving or macadamizing of any street, lane or alley or part thereof, and any bridges or culverts shall be necessary or proper in said improvements, the same shall be constructed without any special ordinance therefor by the said department of public works, and the cost and expense thereof shall be deemed and taken to be part of the cost and expense of the grading, paving or macadamizing.

Cost of bridges and culverts to be deemed as cost of grading.

SEWERS.

SECTION 20. The councils of any city of the second class may authorize the construction of sewers in any street, lane or alley, public ground or private property, the cost of which shall be assessed on the property benefited in the same manner as hereinbefore provided for the grading, paving or macadamizing of streets.

Cost of sewers to be assessed to properties benefited.

SECTION 21. Said city shall have power, when necessary in the construction of sewers, to lay the same through private property and the damages, if any, shall be included in the assessment as part of the cost and expense of the sewer.

Sewers may be laid through private property.

SECTION 22. The cost of engineering and all other expenses incurred by the city in opening, grading, paving and curbing of streets, or the construction of sewers, shall be assessed and collected as part of the cost of such improvements.

Cost of engineering to be included in expense of improvement.

SECTION 23. After the final approval by councils or the court, in case of appeal of the report of the board of viewers of street improvements in grading, paving or macadamizing of any street, lane or alley or the construction of any sewer, under or by virtue of the provisions of this act, the plot or plan, together with the report of the board of viewers shall be handed over to the city treasurer, who, as soon as he shall have received the same, shall cause notice of the amount assessed upon each property to be given to the owner thereof, and that if the same be not paid within thirty days from the time of said notice, it will be filed as liens against said property with interest, costs and fees. If said assessments are not paid within thirty days after service of the notice aforesaid, the treasurer shall hand over to the city attorney the said plot and plan, together with the report of the board of viewers, with a list or statement of the unpaid assessments, and the city attorney shall file a lien against each property for the amount of the assessment thereon remaining unpaid

Plan and report of viewers to be given to city treasurer.

His duty as to collection of damages assessed.

Duty of city attorney relative thereto.

within the time hereinafter prescribed, with interest from the time notice for payment was given and five per centum additional as attorney's fees for collection.

Councils may direct construction of board sidewalks.

SECTION 24. The councils of any city of the second class shall have power to order and direct by ordinance the construction of board side-walks on any unpaved street, lane or alley or part thereof, the cost and expense to be levied and collected in the same manner as hereinbefore prescribed for the grading, paving or macadamizing streets.

Sidewalks on courts

SECTION 25. The councils of any city of the second class shall have power to direct or require any owner or owners of any lot or lots fronting or abutting on any street, lane or alley within the said city, which have been or may be hereafter directed to be graded and paved, or abutting upon any court or courts, to pave or cause to be paved the foot or side-walk fronting or abutting thereon, with such material and of such width as the councils of such city shall either by general or special ordinance prescribe.

On failure to comply with order to pave, the same may be done and a lien entered therefor.

SECTION 26. Upon the failure of any owner or owners as aforesaid to pave, or cause to be paved, the foot or sidewalks in front of his, her or their lot or lots as directed, within twenty days after receiving notice from the chief of the department of public works that the same has been directed to be done, then and in such case, the chief of the department of public works may cause the same to be done, and the expense incurred in paving and curbing the same, together with six per centum advance, shall, from the completion of the work, be a lien on said premises.

Repairing sidewalks, etc.

SECTION 27. The chief of the department of public works shall have, and is hereby given, the power to order and direct the repairing of any such side-walk or re-setting any curb-stone when in his judgment the same may be necessary, and shall give the same notice and proceed in the same manner as prescribed for the original laying or placing of side-walks.

If owners fail for twenty days after notice to make improvements, the chief of department of public works to cause same to be done.

SECTION 28. Upon the failure of any such owner or owners as aforesaid to prepare and set hewn curb-stone as aforesaid, or pave or cause to be paved the foot or side-walk in front of his, her or their lot or lots as directed, within twenty days after receiving notice from the chief of the department of public works that the same has been directed to be done, then and in such case the chief of the department of public works may cause the same to be done, and the expense incurred in paving and curbing the same, together with interest and attorney's commission of five per centum, shall from the completion of the work, be a lien on such premises, for which a claim may be filed in the name of said city for the use of the contractor against the owner or owners thereof, in the office of the prothonotary of any court of common pleas of the county in

Lien for expense thereof.

which such city may be situated. And all liens for setting curb-stones and paving side-walks shall be entered and indexed in the municipal lien docket, in the same manner as other municipal liens, in all cases where such a curb stone shall be set or side-walks laid, or the same shall be replaced or repaired, whether under an ordinance of the councils of any such city or by the order and direction of the chief of the department of public works, it shall be the duty of such chief of said department to furnish the city attorney of such city with a bill of the cost thereof, including the names of the contractors, the names of the owner or owners whose property is to be charged, the location and description of the property and the amount and cost of the labor and material, and thereupon it shall be the duty of the said city attorney to give notice to such owner or owners of the claim and that if the same is not paid within thirty days a lien will be filed therefor. The bill of costs shall be verified by the affidavit of the said chief of the department of public works, or by any person having knowledge thereof, and in case of the filing of such lien it shall be marked for the use of such contractor or contractors. The same proceedings shall be taken upon such liens as in the case of opening streets. The amount collected by said city attorney shall be by him paid to such contractor or contractors.

Liens to be entered and indexed in municipal lien docket.

Bill of cost of improvement to be furnished city attorney.

His duty as to collection.

Bill to be verified.

Application of proceeds.

SECTION 29. Any lessee or lessees having any lot or lots fronting or abutting on any of the streets, alleys or courts as aforesaid, and the unexpired term of said lease shall, at the time any paving or curbing shall have been done, exceed the period of five years, said lessee or lessees and the interest of such leasehold premises shall be subject to all the provisions of this act: *Provided, nevertheless,* That if, upon the sale of the leasehold estate upon such claim, sufficient shall not be realized from the proceeds of sale, then and in such case the plaintiff may issue a *scire facias* to the owner or owners of the lot or lots: *Provided,* That the same be done within five years from the filing of the claim aforesaid, commanding him, her or them to appear and show cause why the debt and cost should not be satisfied out of the real estate so held by him, her or them. Service of said writ shall be made as hereinafter prescribed, and upon the return of the same, proceedings may be had as if the claim had been originally filed against the owner or owners of the lot or lots aforesaid.

Leasehold interest to be liable.

If leasehold estate prove insufficient the owner to be liable.

In such case claim to be filed within five years.

VACATIONS.

SECTION 30. The said councils shall have and are hereby given the power to vacate any street, lane or alley or part thereof, the damages, costs and expenses of which shall be assessed, ascertained and determined and collected in the manner as prescribed for the opening of streets: *Provided however,* That no such

Proceedings for vacation of streets, etc.

street, lane or alley or any part thereof shall be so vacated, unless upon a petition signed by the owners of one-half of the property in interest fronting or abutting thereon. Such petition shall be accompanied by an affidavit of some credible person interested therein, setting forth that the names attached thereto are the genuine signatures of the persons represented, that they are the owners of property on the street, lane or alley or portion thereof proposed to be vacated, and that the signers thereof own the one-half of the property fronting or abutting thereon. And thereafter, the fact that the said petition was signed by the owners of one-half of the property in interest on such street, lane or alley, shall not be questioned in any proceedings had in accordance therewith: *Provided further*, That no ordinance shall be passed for the vacation of any street, lane or alley unless ten days' previous notice thereof shall be given by hand-bills, posted conspicuously along the line of said street and at the corners of all intersecting streets.

Certain streets rendered useless may be declared vacated.

SECTION 31. Whenever, by reason of the straightening or opening of any street in any city of the second class, any part of the street so straightened, or any street or part of a street adjacent to the street so straightened or opened, shall thereby become useless, it shall and may be lawful for the councils of any such city to declare the street or part of street thereby rendered useless to be vacated, and so much of any street as may be vacated shall become the property of the owners of the lots abutting thereon, according to law. And all assessments of damages and benefits shall be made with a view to the accession of property as above provided for.

Adjustment in case the property of one owner intervenes between a new street and the lot of another.

SECTION 32. Whenever, by the opening of any street as aforesaid, the property of one owner shall intervene between the new street and the lot of another owner, it shall be the duty of the viewers to endeavor to obtain from the owner of said intervening property and the owner of said lot, an agreement for the transfer of property from one to the other, upon terms satisfactory to the parties and said viewers, and the amount to be paid therefor and the accession thereby shall be taken into consideration in estimating the damages and benefits by opening said streets; if the parties do not agree to the transfer and the property so intervening between the new street and any lot shall, in the opinion of the viewers, be insufficient for building purposes it shall be taken and used as part of said street, and the damages and benefits shall be assessed accordingly.

If a party be unable to contract the court may adjust same.

SECTION 33. In case any of the parties owning the intervening property, or the lot upon which the same abuts, shall be incapable of contracting, the viewers aforesaid may file a petition in the court of common pleas of any county in which such city may be situated setting forth the fact, and said court may, after such

notice to the parties interested or their representatives as they may deem proper, fix the terms upon which such transfers shall be made and order and direct the same to be made accordingly.

SECTION 34. The notices required by this act shall be given as follows, namely: If the owner is a resident of said city, by personal service upon him or by copy left at his dwelling house or usual place of business; if a corporation or other association, upon its proper officers or agents; and if the owner is not a resident of said city or is unknown, the notice shall be posted on the premises and a copy left with the occupant if there is one.

Service of notice under this act.

SECTION 35. No assessment for the opening, widening, grading, paving and curbing or macadamizing of any street, lane or alley, or for the construction of any sewer or side-walk in such city, heretofore made or which may hereafter be made, shall be defeated for want of any notice required by the several acts of Assembly and ordinances relating thereto, or for any other informality or irregularity in said proceedings: *Provided*, That this provision shall not be construed to prevent any defense being made upon *scire facias* issued upon such lien, showing want of authority in such city or its officers to do such work, or any other matter or thing affecting the merits of the claim, and in any case in which notice has not been given as required by law, said city shall not be authorized to collect any interest or cost which may have accrued before the owner shall have received notice of said proceedings, as required by this act.

Sufficiency of notice

SECTION 36. The liens authorized by this act shall be filed in the court of common pleas, of the county in which such city may be situated, in the same manner as mechanics' liens are filed, and writs of *scire facias* and *levari facias* may be issued thereon as in the case of mechanics' liens, and the same costs shall be taxed. But when the owner has two or more vacant lots adjoining each other on the same street or alley, all of said lots may be embraced in one lien. The lien shall be filed in the name of said city against the owner or reputed owner, in a docket specially provided for the purpose to be called the "municipal lien docket," which shall have an index containing the names of the defendants in alphabetical order. The *scire facias* issued thereon and all subsequent proceedings shall be indicated on the same docket, numbered the same and filed with original lien, and when any such lien shall be satisfied it shall be so marked in the index.

Filing of liens and proceedings thereon.

SECTION 37. All writs of *scire facias* upon municipal claims of such city may be made returnable to the monthly return day, and any provisions of any act of Assembly requiring the writs to be issued fifteen days before the return day shall not apply to writs issued upon such claims.

When writs to be returnable

Assessments to be first liens if filed within six months after approval, etc.

SECTION 38. The assessments authorized by this act shall be first liens upon the properties assessed from the final approval of the report of the board of viewers by councils and shall, if filed within six months after the final approval of the report of said board of viewers by the councils, continue liens for five years and be revived by *scire facias* as other liens.

Revival thereof.

Lien extended in case of appeal.

SECTION 39. When any appeal shall be taken from any appraisement or assessment made in pursuance of this act, the lien of such assessment shall continue for six months after the final determination of such appeal, and the time for filing said liens shall be extended until the expiration of six months after such final determination of said appeal.

Sheriff's sale not to divest lien until paid in full.

SECTION 40. If on any sheriff's sale or other judicial sale, enough be not realized to pay off the lien it shall not be divested, but shall continue to be a lien until the whole amount with the costs be paid in full.

Mistake in description or name not to vitiate lien, but court may correct record.

SECTION 41. No mistake in description of the property or in the name of the owner shall vitiate the lien, but the court shall have power on motion at any time to correct mistakes and to add or strike out names as defendants: *Provided however*, That any owner whose name shall be added as a defendant after the filing of the lien shall be served with a *scire facias* before judgment shall be entered against him: *And provided further*, That a sale upon a *levari facias* shall convey only the interests of those who are defendants in the writ, unless he be the registered owner thereof; but a judgment or sale against a reputed owner or one having a limited estate or interest, shall not prevent a subsequent judgment or sale against the true owner or against one having a larger estate or different interest.

Proceedings thereafter.

Proceeding if owner of lot is unknown.

SECTION 42. When the owner of a lot is unknown the lien shall be filed against "Unknown Owner" and indexed accordingly; a *scire facias* may issue thereon in the same manner, which shall be published by the sheriff for three weeks in two daily papers of said city, with a full description of the lot, the amount assessed thereon and for what purpose it was made; judgment may then be entered and the lot be sold on *levari facias* to the same effect as if the real owner had been named.

In case of *scire facias* on claim defendant shall set out his defence fully.

SECTION 43. When a claim shall be filed and a *scire facias* issued upon an assessment, it shall not be necessary to file an affidavit of claim, but the defendant shall file an affidavit of defence, setting forth with particularity any and all the defences to such lien. Judgment may be entered in default of appearance or sufficient affidavit of defence at any time after the return day and ten days' service of the writ, or upon two *nihilis* and all matters necessary to support the claim not denied in the affidavit of defence shall be taken as admitted on the trial.

Judgment by default.

Matters not denied taken as admitted.

SECTION 44. In case any property be sold upon a judgment against an unknown owner or upon two *nihilis* for any municipal claim, the real owner may within two years redeem the property, upon payment to the purchaser or his heirs or assigns of the amount of the bid, with interest and ten per centum additional and all municipal claims and taxes and undivested liens upon the premises, paid after the sale. Any judgment creditors or mortgagees may redeem, in the name of the real owner, the property sold under the terms and conditions provided for the redemption by the owner. In such case the liens of all judgments and mortgages existing at the date of the sale, shall be reinstated in their order unless the same shall have been paid or otherwise satisfied, but the creditor redeeming shall have the first lien for the amount expended in such redemption.

Property of unknown owners may be redeemed.

SECTION 45. The term "owner," as used in this act, shall be construed to mean all individuals, incorporated companies and religious, benevolent, literary or other societies or associations having any title or interest in the properties appraised or assessed, and in the case of leaseholds or different estates in the same property, the viewers shall have power to apportion the damages or assessments among the different owners or between the lessors and lessees, and report how much each one shall receive or pay. And whenever any judgment may be obtained against any corporation or association the same shall and may be collected as other judgments against such corporations or associations are by law collectible.

The word "owner" construed.

Judgments against corporations or associations.

SECTION 46. No ordinance for any improvement and no report of viewers shall be finally acted upon by both branches of councils until at least one week after its presentation and publication in the official paper authorized to do the city printing.

Ordinances for improvements and reports of viewers to lie over one week, etc.

SECTION 47. All assessments of damages for opening or widening streets, lanes or alleys in any such city and the assessments for the payment of the same, shall bear interest from the date of the final approval of the report. All assessments for the payment of the cost and expense in constructing sewers or side-walks, for grading, paving or macadamizing streets, lanes or alleys and setting the same with curb-stone, shall bear interest from the date of the final approval of the report of the board of viewers by councils, and all interest shall be at the rate of six per centum per annum.

Interest on damages assessed.

Interest on assessments for expense of improvements.

SECTION 48. The court of common pleas for the county in which any city of the second class is situated shall have, and are hereby vested with power to make such rules as may be necessary for prompt and speedy hearing of all petitions relating to street improvement.

Court to adopt rules governing proceedings.

SECTION 49. If upon any appeal from the taking, injuring or destroying of property, the jury shall find a sum greater than the amount of the award fixed by the

Proceeding if on appeal the jury find a greater or less amount than the board of viewers.

board of viewers, the court shall thereupon, upon the petition of the city attorney, order the record of the cause or causes to be returned to said board of viewers of street improvements, with direction to them to review the properties which they may find benefited by said improvements, with directions to assess the difference upon the property the said board may find so benefited; but in case no such property can be found on which to assess the difference, then the same shall be assessed against and paid for by the city. And if the jury shall find the sum less than the amount of the award fixed by the board of viewers, the court shall order the record of the cause or causes to be returned to the said board of viewers, with directions to them to rateably reduce the assessments already made.

False swearing in said proceedings deemed perjury and punishable accordingly.

SECTION 50. Any person who shall wilfully take a false oath in reference to any petition presented to councils, as aforesaid, shall be guilty of perjury and punished therefor as provided in and by the laws of this Commonwealth.

Estimate of cost of improvements to be made before ordinance authorizing same.

SECTION 51. The councils of any city shall not pass any ordinance authorizing the grading or paving of any street or alley, or the construction of any sewer or bridge or board side-walk, before they have caused the Department of Public Works to make an estimate of the total cost of such improvement, particularly stating the items and the cost of each, and a map or plan of all the property liable to assessment for the cost of the same, so far as can be ascertained; and also cause the board of viewers or other officials upon whom the duty may by law be imposed, to view the property included in the map or plan and the property liable to such assessments, to make a schedule showing the total cash value of the same, as nearly as can be ascertained, and the amount each property owner may be liable to pay for such improvement; which estimate, map or plan and schedule, shall be attached to the ordinance before its passage and shall remain on file in the proper office for the benefit of all interested, and if it shall appear by such report that the benefits are sufficient to pay for the cost of the improvement and councils shall approve the report, the ordinance for such improvement may then be passed; but if it shall appear from the report of viewers that the benefits to be derived are insufficient to pay the cost of improvement, all further proceedings shall be suspended: *Provided however*, That no error or omission in such estimate shall vitiate such proceeding or any part thereof and any error or omission may be corrected or supplied at any time.

Schedules of estimates to be attached to ordinance.

And remain on file.

Duty of councils.

Proviso.

Control of councils over streets, etc.

SECTION 52. No street, lane or alley or any part thereof within the city, shall be entered upon, over or under, used or occupied, by any person or corporation for any purpose without the authority of councils of the city, expressed by general ordinance duly passed

and approved. And in the event of councils authorizing or permitting any person or corporation to use any street, lane or alley within the city, the council shall have, and are hereby vested with, authority to impose such reasonable regulations with regard to public convenience and safety as they shall deem necessary. The reasonable regulations imposed shall operate upon and affect all persons and corporations equally and without partiality or discrimination. Upon any dispute arising touching the validity or meaning of such regulations, any party affected shall have a right to invoke the jurisdiction of the court of common pleas by bill or petition, from whose decree either party shall have a right to appeal to the Supreme Court.

Regulations to affect persons equally.

Appeal to court and Supreme Court.

SECTION 53. That the act of Assembly approved the fourteenth day of June, Anno Domini one thousand eight hundred and eighty-seven, entitled "An act authorizing and directing councils of cities of the second class to provide for the improvement of streets, lanes and alleys, public highways, sewers and side-walks, requiring plans of streets, providing for a board of viewers of street improvements, prescribing their duties, granting appeals to councils and court, providing for the assessment of damages and benefits, authorizing the use of private property, providing for the filing of liens and regulating proceedings thereon, prohibiting the use of public property without the authority of councils," be and the same is hereby repealed, except in so far as may be necessary to consummate the proceedings and collect the assessments under said act and that all acts or parts of acts inconsistent herewith, or supplied hereby, be and the same are hereby repealed.

Repeal of act of June 14, 1887.

APPROVED—the 16th day of May, A. D. 1889.

JAMES A. BEAVER.

No. 234.

AN ACT

To amend an act which became a law on April seventeenth, one thousand eight hundred and seventy-six, entitled "A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations," amending sections two and eleven of said act.

SECTION 1. *Be it enacted, &c.*, That the fourteenth paragraph of the second section of said act, which reads as follows:

"XIV. The creating, purchasing, holding and selling of patent rights for inventions and designs, with the right to issue license for the same and receive pay therefor," be amended so as to read,

XIV. The creating, purchasing, holding and selling of patent rights for inventions and designs, and the purchasing of copyrights for books, publications and registered trademarks, with the right to issue license for the same and receive pay therefor.

SECTION 2. That section eleventh of the said act, which reads as follows, namely:

Section 11, act of April 17, 1876, cited for amendment.

“SECTION 11. If any company incorporated under this act, or the act to which this is a supplement, shall not proceed to carry on its work, and construct its necessary buildings, structures or improvements within the space of two years from date of its letters patent, and shall not within the space of five years thereafter complete the same, the rights and privileges thereby granted to said corporation shall revert to the Commonwealth,” shall be and is hereby amended to read as follows:

When work to be commenced and completed.

SECTION 11. If any company incorporated under this act, or any of its supplements, shall not proceed in good faith to carry on its work and construct or acquire its necessary buildings, structures, property or improvements within the space of two years from the date of its letters patent, and shall not within the space of five years thereafter complete the same, the rights and privileges thereby granted to said corporation shall revert to the Commonwealth: *Provided however*, That it shall be lawful for any such corporation who shall have proceeded in good faith as aforesaid, at any time before the expiration of the said period of five years, or of any extension thereof, to apply to the court of common pleas in and for the county in which said corporation shall have its principal office for an extension of such time as herein provided. Such application shall be made upon a petition, under the common seal of such corporation and verified by its president or other presiding officer, setting out the grounds of the application, and that the same is made pursuant to a resolution of the board of directors of said company at a meeting called for that purpose, a duly certified copy of which resolution shall be annexed to said petition. Thereupon it shall be the duty of such court to set down said petition for hearing before it upon some day to be fixed by said court, and to direct that notice of such petition shall be given by publication or otherwise as the court shall direct. Upon the day so fixed, or upon such subsequent day or days as the matter may be adjourned to, said court shall proceed to a hearing of said petition, and it being made to appear to said court that the order of notice herein provided for has been complied with, said court may, by order, adjudge and direct that the time of such corporation to complete its necessary buildings, structures, property or improvements shall be extended for a period not exceeding five years beyond the time fixed by law for the completion thereof, and thereupon upon filing a duly

Corporations may apply to court of common pleas for extension of time.

Contents of petition.

Court to fix time for hearing.

Notice.

Court may order extension of time for completion.

certified copy of such order in the office of the Secretary of the Commonwealth, the time of such corporation to complete its necessary buildings, structures, property or improvements shall be extended as provided in such order: *Provided further*, That when said buildings, structures, property or improvements are wholly within one county, said application shall be made to the court of common pleas in and for said county.

To file certified copy of order in office of Secretary of the Commonwealth.

Proviso.

APPROVED—the 16th day of May, A. D. 1889.

JAMES A. BEAVER.

No. 235.

AN ACT

To regulate the employment and provide for the safety of women and children in mercantile industries and manufacturing establishments, and to provide for the appointment of inspectors to enforce the same and other acts providing for the safety or regulating the employment of said persons.

SECTION 1. *Be it enacted, &c.*, That no minor shall be employed at labor in factories or any manufacturing establishment or mercantile industry in this State, for a longer period than sixty hours in any week, unless for the purpose of making necessary repairs.

Employment of minors.

SECTION 2. No child under twelve years of age shall be employed in any factory, manufacturing or mercantile establishment within this State. It shall be the duty of every person so employing children to keep a register, in which shall be recorded the name, birth-place, age and place of residence of every person so employed by him under the age of sixteen years. And it shall be unlawful for any factory, manufacturing or mercantile establishment to hire or employ any child under the age of sixteen years, without there is first provided and placed on file an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and which said register and affidavit shall be produced for inspection on demand by the inspector or any of the deputies appointed under this act.

Children under 12 years of age not to be employed.
Register to be kept.

Affidavit of parent.

Affidavit of child.

SECTION 3. Every person, firm or corporation employing women and children or either in any factory, manufacturing or mercantile establishment, shall post and keep posted in a conspicuous place in every room where such help is employed, a printed notice stating the number of hours per day for each day of the week required of such persons, and in every room where children under sixteen years of age are employed a list of their names with their age.

Notice as to hours of employment, etc., to be posted.

What shall be deemed a factory, etc.

SECTION 4. No person, firm or corporation employing less than ten persons who are women or children shall be deemed a factory, manufacturing or mercantile establishment within the meaning of this act.

Governor to appoint a factory inspector.

SECTION 5. The Governor shall, immediately after the passage of this act, appoint with the advice and consent of the Senate, a Factory Inspector at a salary of fifteen hundred dollars per year, whose term of office shall be three years. The said inspector shall be empowered to visit and inspect, at all reasonable hours and as often as practicable, the factories, work shops and other establishments in the State employing women or children, where the manufacture of goods is carried on, and to report to the Bureau of Labor Statistics of this State, on or before the thirtieth day of November of each year, the name of the factory, the number of such hands employed and the number of hours work performed each week. It shall also be the duties of said inspector to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in the State.

His duties.

His expenses to be paid by State.

SECTION 6. All necessary expenses incurred by said inspector in the discharge of this duty shall be paid from the funds of the State, upon the presentation of proper vouchers for the same: *Provided*, That not more than twenty-five hundred dollars shall be expended by him therefor in any one year.

Not to exceed \$2,500 a year.

Well-holes to be secured and trap doors applied thereto.

SECTION 7. It shall be the duty of the owner, agent or lessee of any such factory, manufacturing or mercantile establishment, where hoisting-shafts or well-holes are used, to cause the same to be properly and substantially enclosed or secured if in the opinion of the inspector it is necessary to protect the life or limbs of those employed in such establishments. It shall be the duty of the owners, agent or lessee to provide or cause to be provided such proper trap or automatic doors, so fastened in or at all elevator ways as to form a substantial surface when closed and so constructed as to open and close by action of the elevator in its passage either ascending or descending.

Automatic shifters to be used.

SECTION 8. It shall also be the duty of the owner of such factory, mercantile industry or manufacturing establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply or cause to be furnished and supplied, in the discretion of the inspector, where dangerous machinery is in use, automatic shifters or other mechanical contrivance for the purpose of throwing on or off belts on pulleys. And no minor under sixteen years of age shall be allowed to clean machinery while in motion. All gearing and belting shall be provided with proper safeguard.

Cleaning machinery in motion.

Other safeguards.

Fatal or serious injury to be reported.

SECTION 9. It shall be the duty of the owner or superintendent to report, in writing, to the Factory Inspector all fatal accidents or serious injury done to any per-

son employed in such factory, within forty-eight hours, stating as fully as possible the cause of such injury.

SECTION 10. A suitable and proper wash room and water closets shall be provided for females where employed, and the water closets used by females shall be separate and apart from those used by males, and shall be properly screened and ventilated and at all times kept in a clean condition.

Separate wash rooms and water closets for female employes.

SECTION 11. Not less than forty-five minutes shall be allowed for the noon day meal in any manufacturing establishment in this State. The factory inspector, his assistant or any of his deputies shall have power to issue permits in special cases, allowing a shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary and shall only be given where good cause can be shown.

Forty-five minutes time for noon meal.

Exceptions.

SECTION 12. That if the inspector of factories find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery in shops and factories are located so as to be dangerous to employes and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within sixty days, and if such alterations or additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

Changes and safeguards which must be made within sixty days after notice from inspector.

SECTION 13. The factory inspector now or hereafter appointed under and by virtue of the provisions of this law, is hereby authorized to appoint such number of persons as in his judgment may be necessary, not exceeding six, one-half of whom shall be females, who shall be known as Deputy Factory Inspectors, either or any one of whom may be appointed to act as clerk in the main office, and whose duties it shall be to enforce the provisions of this act and of the several acts relating to factories and manufacturing establishments. The powers of said deputies shall be the same as the powers of the Factory Inspector, subject to the supervision and direction of the Factory Inspector.

The factory inspector may appoint deputies.

Their duties.

SECTION 14. The traveling expenses of each of said deputies shall be approved by the inspector and audited by the Auditor General of the State before payment,

Expenses of deputies.

- Their salaries.** and said deputy inspectors shall have an annual salary of one thousand dollars, to be paid monthly by the Treasurer of the State out of any moneys not otherwise appropriated.
- State may be dis-**
tricted. SECTION 15. Said Factory Inspector shall have power to divide the State into districts and to assign one of said deputies to each district, and may transfer any of the deputies to other districts in case the best interests of the State require it. The inspector shall have the power of removing any of the deputy inspectors at any time.
- Control of factory**
inspector over
deputies. SECTION 16. An office shall be furnished in the capitol as soon as practicable, which shall be set apart for the use of the Factory Inspector. The Factory Inspector and his deputies shall have the same power to administer oaths or affirmations as is now given to notaries public, in cases where persons desire to verify documents connected with the proper enforcement of this act.
- Inspector's office.**
- He and his deputies**
may administer
oaths.
- Violation of this act**
a misdemeanor. SECTION 17. Any person who violates any of the provisions of this act, or who suffers or permits any child or females to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than five hundred dollars.
- Penalty.**
- Copy of act to be**
posted. SECTION 18. A printed copy of this act shall be posted by the inspector in each work-room of every factory, manufacturing or mercantile house where persons are employed who are affected by the provisions of this act.
- Repeal.** SECTION 19. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
- APPROVED—the 20th day of May, A. D. 1889.
JAMES A. BEAVER.

No. 236.

AN ACT

To provide for the incorporation and regulation of savings banks and institutions without capital stock, established for the encouragement of saving money.

Formation of
savings banks.

SECTION 1. *Be it enacted, &c.,* That corporations for the encouragement of saving money, intended to be savings banks, may be formed under the provisions of this act by any number of persons, not less than thirteen, two-thirds of whom shall reside in the county where the proposed corporation shall be located, who shall enter into articles of association which shall specify the object for which the association is formed and may contain any provisions, not inconsistent with this act, which the association may desire to adopt for the regulation and conduct of its business and affairs, which articles shall be signed by the persons forming

such association, and a copy of them shall be forwarded to the Attorney General for his inspection and approval, and if approved by him he shall endorse his approval thereon, and transmit the same to the Auditor General, to be filed in his office.

SECTION 2. That the persons forming such associations shall, under their hands, make a certificate which shall specify :

First. Name, (subject to the approval of the Auditor General).

Second. Location or place of business, particularly designating the county, city, borough or village.

Third. Names, residence, occupation and post-office address of the proposed corporators.

Fourth. A declaration that each member of such association will accept the responsibilities and faithfully discharge the duties of a trustee in such institution when authorized according to the provisions of this act.

This certificate shall be acknowledged before a judge or notary public, which certificate and acknowledgment, certified and authenticated by the seal of such court or notary public, shall be transmitted, after approval by the Attorney General, to the Auditor General to be filed, recorded and preserved in his office. Copies of such certificate, duly certified by the Auditor General and authenticated by the seal of office, shall be conclusive evidence in all the courts of this Commonwealth of the existence of such corporations and of every other matter or thing which could be proved by the production of the original certificate.

SECTION 3. It shall be the duty of the Auditor General, and he shall have power in regard to any certificate of association so filed by him as hereinbefore provided, to ascertain from the best sources of information at his command :

First. Whether greater convenience of access to a saving bank will be afforded to any considerable number of depositors by opening a savings bank at the place designated in such certificate.

Second. Whether the density of the population in the neighborhood designated for such savings bank and in the surrounding country, affords a reasonable promise of adequate support for the enterprise.

Third. Whether the responsibility, character and general fitness for the discharge of the duties appertaining to such trusts, of the persons named in such certificate, are such as to command the confidence of the community in which such savings bank is proposed to be located.

SECTION 4. The Auditor General, upon the receipt of the articles of association with the approval thereon of the Attorney General as aforesaid and the certificates hereinbefore provided, shall certify a copy of such certificate to the Governor, who shall upon receiving the same cause letters patent, under the great seal of the

What certificate of association shall set forth.

Certificate to be acknowledged, approved by Attorney General, and filed in Auditor General's office.

Evidence.

Duties of Auditor General, preliminary to forming association.

Letters patent.

Commonwealth, to be issued to said savings institution or savings banks.

Notice of intended application.

SECTION 5. Before application shall be made under the provisions of this act for the creation of any corporation, notice of such intended application shall be advertised in two newspapers of general circulation in the county in which such corporate body is located, or intended to be located, at least once a week for three months before such application shall be made, and the notice of such application shall specify the name, style, location, specific object for which created. If there should be only one paper printed in the county in which such corporate body shall be located, the publication of such notice in one paper shall be deemed sufficient, but if there be no paper printed in such county then the notice shall be given in at least one paper published in one of the nearest adjoining counties.

Corporate powers.

SECTION 6. Every association formed under the provision of this act shall, from the date of the letters patent issued thereto, be a body corporate and shall transact no business except such as may be incidental to the purpose of its organization, and shall have power to adopt a corporate seal and have succession by the name designated in its articles of association, perpetually from the date of the letters patent, unless sooner dissolved under the provisions of the articles of association or by the provisions of any act of Assembly. Such bodies corporate may make contracts, sue and be sued, complain, prosecute and defend in any court of law or equity and before any magistrate as fully as natural persons, receive money on deposit, invest the same and further transact the business of a saving bank as hereinafter provided, and process against such corporation may be served on its president or cashier, or by leaving a copy thereof with one of the officers thereof, during the usual hours of business. It shall elect or appoint trustees and by its board of trustees appoint a president, vice president, cashier and other officers and define their duties, require bonds of them, fixing a penalty therein, dismiss any of the said officers at pleasure and appoint others to fill their places, and exercise under this act all such power as may be necessary to carry on the business of the corporation.

Service of process against the corporation.

Trustees and their powers.

Extension of time by Auditor General in case bank fails to organize within one year.

SECTION 7. Any savings bank so incorporated that shall not organize and commence business within one year after this certificate of authorization of the same has been filed, as hereinbefore provided, shall forfeit its rights and privileges as a corporation under this act; but the Auditor General may, for satisfactory cause to him shown, extend the term within which such organization may be affected and such business commenced, but not for a longer period than one year, and the order so extending such terms shall be under his hand and seal of office.

SECTION 8. It shall be lawful for any association incorporated under this act to purchase, hold and convey real estate as follows :

Association may purchase, hold and convey certain real estate.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith as security for debts contracted previous to the execution of any such mortgage.

Third. Such as it shall purchase at sales under judgments, decrees or mortgages held by such corporation, or shall purchase to secure debts due to said corporation.

SECTION 9. Before any savings bank or institution for the encouragement of saving, intended to be incorporated under this act, shall be authorized to receive deposits, such corporation shall transmit to the Auditor General the name, residence and post office address of each of the officers and trustees and the place where its business is to be carried on, designating the same by street and number when practicable. The persons named in the certificate for incorporation, issued pursuant to the provisions of this act, shall be the first trustees of such corporation and shall have the entire management and control of all the affairs of the corporation subject to the provisions of this act.

Names, etc., of its officers to be furnished to Auditor General before receiving deposits.

Persons named in certificate to be first trustees.

SECTION 10. And it shall be lawful for any such savings fund, with the approval in writing under the seal of the Auditor General, to change its location within the limits of any city or town wherein it may be established; and in effecting such change of location, such corporation owning a banking house and lot may purchase such additional plot as the corporation may require, and such banking house and lot previously owned and occupied shall be sold.

Change of location.

SECTION 11. The business of every such corporation shall be managed and directed by a board of trustees of not less than thirteen, who shall elect from their number a president and two vice presidents, and shall elect or appoint from their number or otherwise, such other officers as they may see fit; and all vacancies in such board by death, resignation or otherwise shall be filled by the board of trustees as soon as practicable at a regular meeting after such vacancies occur. This board of trustees shall have power to make by-laws, rules and regulations for the election of officers and fixing their duties, the appointment of committees and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to nor inconsistent with the provisions of this act and of the Constitution and laws of the Commonwealth, or of the United States. If the insolvency of said savings fund be occasioned by the fraudulent conduct of the trustees aforesaid, the trustees by whose acts or omissions the insolvency was in whole or in part occasioned, shall each be liable to the depositors and creditors thereof for his proportional

Trustees and other officers.

Powers of board of trustees.

Liability of trustees for losses.

share of the losses, the proportion to be ascertained by dividing the whole loss among the whole number of directors liable for its re-imbusement.

Duties of trustees as to funds of the corporation.

SECTION 12. No trustee of any such corporation shall have any interest whatever, direct or indirect, in the gains or profits thereof nor shall directly or indirectly receive any pay or emolument for his services, except as hereinafter provided; and no trustee or officer of any such corporation shall, directly or indirectly, for himself or as the agent or partner of others, borrow any of its funds, deposits or in any manner use the same, except to make such current and necessary payments as are authorized by the board of trustees, nor shall any trustee or officer of any such corporation hereafter become an endorser or surety, or become in any manner an obligor for moneys loaned by or borrowed of such corporation.

How office of a trustee may become vacant.

SECTION 13. Whenever a trustee of any savings bank shall hereafter become a trustee, officer, clerk or employè in any other savings bank, or upon his borrowing directly or indirectly any of the funds of the savings bank of which he is trustee, or becoming a surety or guarantee for any money borrowed of, or a loan made by such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties involved upon him as trustee, for six successive months without having been previously excused by the board for such failure, the office of such trustee shall thereupon immediately become vacant; but the trustee vacating his office by failure to attend meetings or to discharge his duties may, in the discretion of the board, be eligible to a re-election.

Trustees to require bonds of officers and agents.

SECTION 14. The trustees of any such corporation shall have the power to require from the officers and agents of the corporation such security, to be fixed and approved by the court of common pleas of the county in which said savings bank or institution is located, for their fidelity and the faithful performance of their duties, as shall be deemed necessary, fix the salaries of such officers and agents subject to the provisions of this act.

And fix their salaries.

Deposits.

SECTION 15. It shall be lawful for any corporation, incorporated under this act, to receive on deposit any sum or sums of money that may be offered by any person or persons or by any corporations or societies, and to invest the same, credit and pay interest thereon. The sums so deposited, together with the dividends or interest credited thereon, shall be repaid to such depositors respectively, or to their legal representatives, after demand in such manner and at such times, and after such previous notices and under such regulations, as the board of trustees shall prescribe; which regulations shall be printed in the pass-books or other evidences of deposit furnished by the corporation, and shall be evidence between the corporation and depositors holding

the same of the terms upon which deposits therein acknowledged are made; and every such corporation shall have the right to limit the aggregate amount which any one person or persons or societies may deposit, to such sum as they may deem it expedient to receive, and may in their discretion refuse to receive a deposit, and may also at any time return all or any part of any deposit, nor shall the aggregate amount of such deposits to the credit of any one individual or corporation at any time exceed five thousand dollars exclusive of accrued interest.

SECTION 16. Whenever any deposit shall be made by or in the name of any person who is a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, free from the control or lien of all persons whatsoever except creditors; and it shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall be made, and the receipt or quittance of such minor or female shall be a valid and sufficient release and discharge for such deposits or any part thereof to the corporation. Whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall be given in writing to the bank, in the event of the death of the trustee the same, or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom such deposit was made.

Deposit in name of a minor or married woman.

Deposit in trust for another.

SECTION 17. It shall be lawful for the trustees of any saving bank to invest money deposited therein only as follows:

Authorized investments for the trust funds.

First. In the stocks or bonds of interest bearing notes or the obligations of the United States, or those for which the faith of the United States is pledged to provide for the payment of the interest and the principal.

Second. In the stocks or bonds of the Commonwealth of Pennsylvania bearing interest.

Third. In the stocks or bonds of any State in the Union that has not within ten years previous to making such investments, by such corporation, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such State to be contracted.

Fourth. In the stocks or bonds of any city, county, town or village of any State of the United States, issued pursuant to the authority of any law of the State, or in any interest bearing obligation issued by the city or county in which such bank shall be situated.

Fifth. In bonds and mortgages on unincumbered, improved real estate, situate in this State.

SECTION 18. It shall further be lawful for any such corporation to deposit temporarily in banks or trust companies, as provided in the last preceding section of this act, the excess of current daily receipts over the

Temporary investment of current receipts.

Duty of Auditor General and examiners as to investments.

payments, until such time as the same can be judiciously invested in the securities named; and whenever it shall appear to the Auditor General or to any of the examiners duly authorized to visit and inspect these saving funds, that the trustees of any such corporation are violating the spirit or intent of the provisions of this act, by keeping permanently uninvested all or an undue proportion of the money received by them, it shall be his or their duty to report the facts to the Attorney General, who shall proceed against such corporation as provided by law.

Loans on notes and bills of exchange forbidden.

SECTION 19. It shall not be lawful for the trustees of any savings bank or institution incorporated under this act, to loan the money deposited with them, or any part thereof, upon notes, bills of exchange or drafts, or to discount any such notes, bills of exchange or drafts.

Loans on real estate.

And in all cases of loans upon real estate, a sufficient bond secured by a mortgage thereon shall be required of the borrower, and all the expenses of searches, examinations, certificates of title or appraisal of value and of drawing, perfecting and recording papers shall be paid by such borrower.

Buildings on lands given as security to be insured.

SECTION 20. Whenever buildings are included in the valuation of any real estate upon which a loan be made by any such corporation, they shall be insured by the mortgagor in such company or companies as the trustees shall direct, and the policy of insurance shall be duly assigned, or the loss made payable as its interest may appear, to such corporation, and it shall be lawful for such corporation to renew such policy of insurance from year to year or for a longer or shorter time in case the mortgagor shall neglect to do so, and may charge the amount paid to the mortgagor. And all the necessary charges and expenses paid by such corporation for such renewal or renewals shall be paid by such mortgagor to such corporation, and shall be a lien upon the property so mortgaged, recoverable with interest from the time of payment as part of the money secured to be paid by such mortgage.

Expenses of effecting insurance.

Not to deal or trade in personal property.

SECTION 21. It shall be unlawful for any corporation incorporated under this act, directly or indirectly, to deal or trade in real estate or in any goods, wares, merchandise or commodities whatever, except as authorized by this act and except such personal property as may be necessary in the transaction of its business.

Regulation of interest on deposits.

SECTION 22. It shall be the duties of the trustees of every such corporation to regulate the rate of interest or dividends, not to exceed five per centum per annum upon the deposits therewith, in such manner that the depositor shall receive, as nearly as may be, all the profits of such corporation after deducting necessary expense and reserving such amount as the trustees may deem expedient as a surplus fund for the security of depositors, which, to the amount of fifteen per centum per annum of their deposits, the trustees of any

such corporation are hereby authorized gradually to accumulate and hold to meet any contingency or loss in its business, from the depreciation of its securities or otherwise: *Provided however*, That the trustees of any such corporation may classify its depositors according to the character, amount and duration of their dealings with the corporation, and regulate the interest or dividends allowed in such manner that each depositor shall receive the same ratable proportion, with interest or dividends, as all others of its class. It shall be unlawful for the trustees of any savings bank to declare or allow interest on any deposit for a longer period than the same has been deposited, and no dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of trustees, duly entered upon their minutes, whereon shall be recorded the yeas and nays upon each vote, and whenever any interest or dividends shall be declared and credited in excess of the interest or profits earned and appearing to the credit of the corporation, the trustees so voting for such dividends shall be jointly and severally liable to the corporation for the amount of such excess, so declared and credited. And it shall be the duty of the trustees of any such corporation, whose surplus amounts to fifteen per centum of its deposits, at least once in three years to divide, equitably, the accumulation beyond such authorized surplus, as an extra dividend to depositors in excess of the regular dividends hereinbefore provided. A notice posted conspicuously in the bank of a change in the rate of interest shall be equivalent to a personal notice.

Allowance of interest at declaration of dividends.

Change in rate of interest.

SECTION 23. Every corporation incorporated under this act shall, before the thirty-first day of December of each year, report to the Auditor General of the State in writing, in such form as he shall prescribe; which report shall state the amount loaned upon bonds and mortgages, with a list of such bonds and mortgages and the location of the mortgaged premises, that have not previously been reported, and also a list of such previously reported as have since been paid wholly or in part, or have been foreclosed, and the amount of such payments respectively, the cost, par value and estimated market value of all stock investments, designating each particular kind of stock, the amount loaned upon the pledge of securities, with a statement of securities held as collateral for such amounts, the amount invested in real estate, giving the cost of the same, the amount of cash on hand and on deposit in banks or trust companies, with the names of such banks or trust companies and the amount deposited in each, and such other information as the Auditor General may require. Such report shall also state all the liabilities of such saving corporation on the day of the date of such statement, the amount due to depositors, which shall include any dividend to be credited to them for the twelve months

Annual report to Auditor General.

ending on that day, and any other debts or claims against such corporation, which are or may be a charge upon its assets.

Such report shall also state the amount deposited during the year previous and the amount withdrawn during the same period, the whole amount of interest or profit received or earned, the amount of dividends credited to depositors, together with the amount of such annual credit of interest and the amount of interest that may have been credited at other than annual periods, the number of accounts opened or reopened, the number closed during the year and the number of open accounts at the end of the year.

Report to be verified by affidavit.

Such reports shall be verified by the oath of the president or cashier of said institution, and any wilful false swearing in regard to such reports or in regard to any reports made to the Auditor General pursuant to the provisions of this act, shall be deemed perjury and be subject to the prosecutions and punishments prescribed by law for that offense. If any such bank shall fail to furnish to the Auditor General any report or statement required by this act at the time so required, it shall forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld, and the Auditor General may settle an account to recover such penalty in the manner now provided by law.

Penalty for failure to make report.

SECTION 24. It shall be the duty of the Auditor General and of the court of common pleas of the county in which any savings institution incorporated under this act may be carrying on business, once in two years, each to appoint an examiner to visit and examine every savings institution incorporated under this act within the limits of the county, and such examiners shall have power to administer an oath to any person whose testimony may be required on such examination, and to compel the appearance and attendance of any such person by subpoena or attachment, issuing out of said court, and all books and papers which it may be deemed necessary to examine by such examiners shall be produced, and their production may be compelled in like manner; the expense of such examination shall be paid by the corporation examined; the rate of compensation to said examiners shall be fixed by the Auditor General and the court making the appointment.

Auditor General and court of common pleas to appoint examiners.

Their powers.

Expenses.

Their compensation

Duty of Auditor General and Attorney General in case corporation violates its charter, etc.

And whenever it shall appear, on the report of any examination made by such visitors, either to the court or to the Auditor General, that any corporation has committed any violation of its charter, or is conducting its business and affairs in an unsafe and unauthorized manner, the said Auditor General, by an order under his hand and seal, shall direct the discontinuance of such illegal and unsafe or unauthorized practices, and whenever such corporation shall refuse or neglect to comply with his directions in the premises he shall communicate the fact to the Attorney General, who shall

thereupon institute such proceedings as the nature of the case requires.

The proceedings instituted by the Attorney General may be by *quo warranto*, in the county where the institution is situated, for the removal of one or more of the trustees, or for the withdrawal of corporate powers, or of consolidation and merger of the corporation with any other saving corporation that may be willing to accept the trust, or of such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before such proceeding shall be instituted shall have power to grant such orders and, in its discretion, from time to time to modify or revoke the same, and grant such relief and render such judgment as the facts or evidence in the case, and the situation of the parties and the interest involved seem to require. And the court, on being satisfied that it is necessary so to do, may appoint a receiver to take possession and to hold all the assets of such corporation until the further order of the court.

Proceedings by
Attorney General.

Powers of the court.

SECTION 25. It shall be the duty of the trustees of every corporation incorporated under this act to make a thorough examination, at least once in every year, of the books, vouchers, assets and affairs generally, and the statements furnished to the Auditor General, and to see that accurate balances of the depositor's ledger have been made, and to see if any discrepancies exist between the amount due the depositor, as shown by such balances, and the amount due the depositor as shown by the general ledger.

Duty of trustee: to
examine books, etc.,
at least once a year.

SECTION 26. It shall be lawful for the board of trustees of any such savings corporation, by a resolution of its board, a copy of which shall also be filed to the Auditor General, to reduce the number of trustees named in the original charter of such corporation to a number not less than the minimum named in this act; such reduction to be effected gradually by the occurrence of vacancies by death, resignation or forfeiture, until the number is reduced to thirteen, or to such greater number as shall be designated in the aforesaid resolution; or the number of trustees may be increased to any number designated in the resolution for that purpose, where reasons therefor are shown to the satisfaction of the Auditor General and his consent in writing obtained thereto.

Changing the num-
ber of trustees.

SECTION 27. It shall be lawful for the trustees of such corporation, acting as officers of the same, whose duties require and receive a regular and faithful attendance at the institution, to receive such compensation as in the opinion of a majority of the board of trustees shall be just and reasonable, but such majority shall be exclusive of any trustee to whom such compensation shall be voted; but it shall not be lawful to pay trustees as such for their attendance at the meetings of the board.

Compensation to
trustees.

SECTION 28. No person shall be elected a trustee of any

Trustees must be residents of the State.

Change of name of corporation.

How solvent bank may discontinue or close business.

Trustees to file in Auditor General's office a statement of depositors not claiming sums due them.

Balances to be paid to State Treasurer.

Dissolution of corporation by the court.

savings bank who is not a resident of this State, and removal from the State by any trustee hereafter elected shall vacate his office.

SECTION 29. The names of any institutions incorporated under this act may be changed by complying with all the rules and regulations in force in the State in regard to changing the names of corporations.

SECTION 30. Whenever the trustees of any solvent saving bank, shall deem it necessary and expedient to close the business of such corporation, they may, by the affirmative vote of not less than two-thirds of the whole number of trustees, at a meeting to be called for that purpose, of which all the trustees shall have notice, declare by resolution its determination to close such business and pay the money to the depositors and creditors and surrender the corporate franchise. The vote upon such resolution shall be taken by ayes and noes, and the resolution and the votes thereon shall be recorded in the minutes of the board of trustees, and a copy of the record of such proceedings, certified by the president and secretary of the corporation, shall be filed with the Auditor General. The trustees shall therefore give notice to all the depositors and creditors of the adoption of such resolution, by publication thereof in the newspaper or newspapers most likely to give the same proper publicity, and by printed or written notices, personally served upon or mailed to, every depositor and creditor of such saving bank, at their last known residence, postage pre-paid.

When the trustees of any such saving bank shall have paid the sums due, respectively, to all the depositors and creditors whom they can discover, and who claim their deposits or the moneys due them, it shall be the duty of such trustees to make a transcript or statement from the books of said saving bank, of the names of all the depositors and creditors who do not claim, or have not yet received, the balances to their credit or due them, and of the sums due them respectively, and to file such transcript in the Auditor General's department and to pay over and transfer all such unclaimed and unpaid deposits, credits and money, to the treasurer of the State. The trustees shall thereupon report their proceedings, duly certified to, before the court of common pleas of the county in which the corporation is situated, and upon such report and the petition of the trustees, and upon notice to the Attorney General and the Auditor General and such other notice as the court may deem necessary, the court shall adjudge the franchise surrendered and the existence of the corporation terminated.

SECTION 31. The associations incorporated in pursuance of this act shall be taxed in the same manner as other corporations without capital stock.

APPROVED—the 20th day of May, A. D. 1889

JAMES A. BEAVER.

No. 237.

A SUPPLEMENT

To an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations," amending the thirteenth section thereof.

SECTION 1. *Be it enacted, &c.*, That section thirteen of the act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, which reads :

"It shall be lawful for all corporations to borrow money or to secure any indebtedness created by them, by issuing bonds, with or without coupons attached thereto, and to secure the same by a mortgage or mortgages to be given and executed to a trustee or trustees, for the use of the bondholders, upon their real estate and machinery, or on their real estate alone, to an amount not exceeding one-half of the capital stock of the corporation paid in, and at a rate of interest not exceeding six per centum; but this section shall not be construed to prevent mortgages for a greater amount and at a high rate of interest, where the power to make the same is expressly given by the terms of this statute to certain classes of corporations, or is contained in the charter of any private corporations accepting this act, or in the statutes under which certain other classes thereof are by the provisions of this statute to be controlled, governed and managed." be and the same is hereby amended so as to read as follows :

It shall be lawful for all corporations to borrow money or to secure any indebtedness created by them, by issuing bonds, with or without coupons attached thereto, and to secure the same by a mortgage or mortgages to be given and executed to a trustee or trustees, for the use of the bondholders, upon their real estate and machinery, or on their real estate alone, to an amount not exceeding one-half of the capital stock of the corporation paid in, and at a rate of interest not exceeding six per centum : *Provided*, That it shall be lawful for such corporations as belong to the classes named in clauses four, five, six, seven, nine and eleven of corporations for profit, of the second class, as set forth in section two of the act of which this is a supplement, and also for such corporations as belong to the class named in clause twenty-four, section two, of the act of Assembly approved April seventeenth, one thousand eight hundred and seventy-six, so to borrow money and so to secure the payment of the same, by a mortgage or mortgages on its property and franchises, to an amount not exceeding double the amount of the capital stock of the corporation actually paid in, and at a rate of interest not exceeding six per centum, and this section shall not be

Section 13, act of April 29, 1874, cited for amendment.

Amendment.

construed to prevent mortgages for a greater amount and at a higher rate of interest, where the power to make the same is expressly given by the terms of this statute to certain classes of corporations, or is contained in the charter of any private corporations accepting this act, or in the statutes under which certain other classes thereof are by the provisions of this statute to be controlled, governed and managed.

APPROVED—the 21st day of May, A. D. 1889.

JAMES A. BEAVER.

No. 238.

A SUPPLEMENT

To an act, "to provide for the care and treatment of the indigent insane of the several counties of the Commonwealth, in State hospitals for the insane," approved the thirteenth day of June, Anno Domini one thousand eight hundred and eighty-three.

Cost regulated.

SECTION 1. *Be it enacted, &c.*, That the expense of the care and treatment of the indigent insane in the State hospitals for the insane, is hereby fixed at the uniform rate of one dollar and seventy-five cents per week for each person, including clothing, chargeable to the respective counties or poor districts from which such insane shall come, and the excess over said one dollar and seventy-five cents shall be paid by the State; but in no case shall said excess exceed two dollars per week for each indigent insane person.

Section 3, act of June 13, 1833, repealed.

SECTION 2. That section three of the act recited in the title hereto, and which reads as follows: "Section three. That the expense of the care and treatment of the indigent insane in the State hospitals for the insane, shall be divided between the State and the county: *Provided*, That the maximum charge to the county shall not exceed, including all charges the sum of two dollars a week, for each person," be and the same is hereby repealed.

Duties of Board of Public Charities.

SECTION 3. That said State Board of Commissioners of Public Charities at its discretion, shall have full power and authority to make transfer of all indigent insane from the State hospitals or asylums to the poor houses, almshouses or prisons of the several counties, chargeable for their maintenance.

APPROVED—the 21st day of May, A. D. 1889.

JAMES A. BEAVER.

No. 239.

A FURTHER SUPPLEMENT

To an act, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation or certain corporations," amended by the act approved the tenth day of April, Anno Domini one thousand eight hundred and seventy-nine, and further amended by the act approved the twenty-second day of June, Anno Domini one thousand eight hundred and eighty-three, providing for a further amendment of said eighteenth section as amended by the said last mentioned act, and amending the second section of said last mentioned act, so as to authorize the formation of corporations for the purpose of driving and floating saw logs, lumber and timber upon all streams not exceeding twenty miles in length, and the heads of all streams not exceeding twenty miles in length from their source, and for the formation of corporations for the storage, transmission and transportation of water for the purpose of providing power to, and for, manufacturing and other purposes.

SECTION 1. *Be it enacted, &c.*, That the eighteenth paragraph of second section of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, which reads as further amended by the act approved the twenty-second day of June, Anno Domini one thousand eight hundred and eighty-three, as follows:

"SECTION 18. The carrying on of any mechanical, mining, quarrying or manufacturing business, including all of the purposes covered by the provisions of the act of the General Assembly, entitled 'An act to encourage manufacturing operations in this Commonwealth,' approved April seventh, one thousand eight hundred and forty-nine, entitled 'An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes,' approved July eighteenth, one thousand eight hundred and sixty-three, and the several supplements to each of said acts, including the incorporation of grain elevators, storage-house and storage-yard companies, and also including the storage and transportation of water, with the right to take rivulets and land and erect reservoirs for holding water, the construction of dams in any stream, and the driving and floating of saw logs, lumber and timber on and over any stream, not exceeding twenty miles in length, by the usual methods of driving and floating logs, timber and lumber on streams, and so as not to obstruct the descending navigation by rafts and boats, and also including the manufacture and brewing of malt liquors, but excluding the distilling and manufacture of spirituous liquors," be and the same is hereby amended and extended so as to be and read as follows:

PARAGRAPH 18. The carrying on of any mechanical, mining, quarrying or manufacturing business, including

Section 18, act of
June 23d, 1883,
cited for amend-
ment.

Amendment.

all of the purposes covered by the provisions of the acts of the General Assembly, entitled 'An act to encourage manufacturing operations in this Commonwealth,' approved April seventh, one thousand eight hundred and forty-nine, entitled 'An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes,' approved July eighteenth, one thousand eight hundred and sixty-three, and the several supplements to each of said acts, including the incorporation of grain elevators, storage-house and storage-yard companies, and also including companies for the storage, transportation and furnishing of water, with the right to take rivulets and land and erect reservoirs for holding water for manufacturing and other purposes, and for the creation, establishing, furnishing, transmission and using of water power therefrom, the construction of dams in any stream, and the driving and floating of saw logs, lumber and timber on and over any stream, not exceeding twenty miles in length, and the heads of all streams not exceeding twenty miles in length from their source, by the usual methods of driving and floating logs, timber and lumber on streams, and so as not to obstruct the descending navigation by rafts and boats, and also including the manufacture and brewing of malt liquors, but excluding the distilling and manufacture of spirituous liquors.

SECTION 2. That the second section of the act approved the twenty-second day of June, Anno Domini one thousand eight hundred and eighty-three, which reads as follows :

Section 2, act of 22d June, 1883, cited for amendment.

"SECTION 2. That corporations organized for the purpose of erecting reservoirs of water, construction of dams and the driving and floating of logs, timber and lumber on streams not exceeding twenty miles in length, shall have power to clear out, improve and use any stream, to purchase dams and erect new dams thereon, may straighten, deepen, crib and widen such streams as they deem proper, and may generally use and manage the streams, their improvements thereon for the floating of logs, lumber and timber, thereon, by both natural and artificial floods in their discretion, but in such manner as not to obstruct the descending navigation by rafts and boats: *Provided*, That a majority of the stock in any such corporation shall at all times be held by persons owning lands drained by such streams," be and the same is hereby amended and extended so as to be and read, as follows :

Amendment.

SECTION 2. That corporations organized for the purpose of erecting reservoirs for the storage of water, construction of dams, transmission of power and the driving and floating of logs, timber and lumber on streams not exceeding twenty miles in length, or on the heads of all streams not exceeding twenty miles in length from their source, shall have power to clear out,

improve and use any stream or the head of any stream not exceeding in length twenty miles from its source, to purchase dams and erect new dams thereon, may straighten, deepen, crib and widen such stream, or the head of any stream for the distance aforesaid as they deem proper, and may generally use and manage the streams and the head of streams for the distance aforesaid and their improvements thereon, for the floating of logs, lumber and timber thereon, by both natural and artificial floods in their discretion, but in such manner as not to obstruct the descending navigation by rafts and boats: *Provided*, That in case where the heads of streams more than twenty miles in length are improved under the provisions of this act, no tax or tolls shall be charged on timber or logs passing through, banked or floated from below such improvements: *Provided further*, That the corporation owning such improvements shall not be required to operate or furnish the use of such improvements for driving or floating timber or logs, unless the owners of such timber or logs consent to pay the tolls provided for in this act: *Provided further*, That a majority of the stock in any such corporation shall at all times be held by the persons owning lands drained by such streams.

APPROVED—the 21st day of May, A. D. 1889.

JAMES A. BEAVER.

No. 240.

AN ACT

For the protection of shad and game fish in the river Delaware.

WHEREAS, It is deemed advisable by the fish commissions of New York and Pennsylvania, to protect the stocking of the river Delaware with shad and game fish, and to guard the fishing industries of the said river by the passage of uniform laws for the said river in each State; therefore,

SECTION 1. *Be it enacted, &c.*, That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift net, tyke net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook and line in the Delaware river: *Provided*, That this section shall not extend to shad fishing: *Provided also*, That the meshes of nets used for catching shad shall not be less than three inches in width, or one and one-half inches from knot to knot, above Trenton Falls: *Provided also*, That it shall not be lawful to fish for shad with nets, either shore, drift, gilling or dip-nets, or with any appliances whatever from June fifteenth to December thirty-first of any year, in the Delaware river above Tren-

Preamble.

Fishing with nets prohibited.

Not to extend to shad fishing.

Size of mesh above Trenton Falls.

Fishing for shad with nets from June 15, to December 31, prohibited above Trenton Falls.

Penalty for violation of act.

ton Falls. Any person or persons violating any of the provisions of this section, shall forfeit or pay the sum of one hundred dollars, with all costs of suit, together with the forfeiture of boats, nets and all appliances.

The use of certain nets prohibited.

SECTION 2. That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind, or device made from cotton or flax twine, or wire netting, similar to a fyke-net, for the purpose of caching fish in the Delaware river at any time in any year. Every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine, not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

Violation of this act declared a misdemeanor.

Penalty.

Fishing with nets, etc., on Sunday prohibited.

SECTION 3. It shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stake or otherwise make use of any gilling net, seine, shore-net, drift-net, eel-pots, or any kind of net for the purpose of catching fish in the Delaware river from sunset on Saturday night until twelve o'clock on Sunday night of each and every week; and the person or persons so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each and every offense.

Penalty.

Erection and use of fish baskets, etc., prohibited.

SECTION 4. It shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or fascine-nets, or any permanently set means for taking fish in the river Delaware; nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks, or any kind of appliances or set means of taking fish to any wing walls in the river Delaware. Nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or walls of stone or of any other substance or material, in the river Delaware, for the purpose of affixing, adjusting, placing or setting thereto or adjacent thereto, any of the above mentioned illegal devices, contrivances or appliances for taking fish. Any person violating the provisions of this law shall be fined fifty dollars for the first offense or be liable to imprisonment for one month in the county jail, or both at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars and imprisonment for three months in the county jail.

Wing walls, etc., in connection with said appliances prohibited.

Penalty.

Penalty for second offense.

Rock bass or wall-eyed pike not to be caught or killed within two years.

SECTION 5. It shall not be lawful to catch or kill, by any means whatever, any rock bass or any wall-eyed pike, otherwise called Susquehanna salmon (species recently introduced into the river Delaware), within two

years from the passage of this act, under a penalty of ten dollars for every fish caught or had in possession.

SECTION 6. No person shall, by any means or device whatsoever, catch or kill in the Delaware river, any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year save with rod, hook and line. Any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught.

Black bass, etc., not to be caught between January 1 and May 30.

And at no time save with hook and line.

Penalty.

SECTION 7. No person shall catch or kill, in the Delaware river, any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught. But should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken. Any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

Black bass under 6 inches in length and wall-eyed pike under 5 inches in length not to be caught.

Penalty.

If caught to be returned to the water.

SECTION 8. Nothing in this act shall be so construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the State fish commission of any State having jurisdiction in the Delaware river for the purpose of stocking other waters.

Catching fish for certain purposes allowable.

SECTION 9. Any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this Commonwealth, is hereby authorized to destroy any fish-basket, eel-weir, fyke-net, pound-net, shore-net, drift net, dip-net, wing-wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them. Any person or persons interfering with any of the above officers in the discharge of their duties or resisting arrest, shall pay a fine of one hundred dollars or be imprisoned three months in the county jail, or shall be subject to both penalties at the discretion of the magistrate or court before which he or they shall be convicted.

Duties of fish wardens and other officers.

Penalty for interference with officers in discharge of such duties.

SECTION 10. Any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman, or special officers of this Commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act before any justice of the peace, magistrate or any other legally constituted authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear

Officers authorized to make arrests.

Hearing of charges
before justices of
the peace, etc.
Appeal.

Costs.

Application of fines
recovered.

Repeal.

and determine the charge and render judgment accordingly, with the right of *certiorari* or appeal as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above to prove his case the county in which it is heard shall pay the costs.

SECTION 11. The fines imposed under any section of this act shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurers of the several counties of the State shall pay over to the commissioners of fisheries all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same to the treasurer of the State.

SECTION 12. All sections, provisos or acts inconsistent with this act are hereby repealed.

APPROVED—the 22d day of May, A. D. 1889.

JAMES A. BEAVER.

No. 341.

AN ACT

For the protection of shad, sturgeon and game fish in the river Delaware.

Preamble.

WHEREAS, Disputes have arisen, and may continue to arise, between Pennsylvania and New Jersey, as to the means applied and the time set apart by each respective State for the catching of fish in the waters of the Delaware river, and as concurrent legislation between the States of Pennsylvania and New Jersey is believed to be the only means to remedy this, and to protect the stocking of the Delaware as well as to protect the fishing industries of each State; therefore,

Fishing with nets
prohibited above
Trenton Falls.

SECTION 1. *Be it enacted, &c.*, That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift-net, fyke-net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook and line, in the Delaware river above Trenton Falls: *Provided*, That this section shall not extend to shad and herring fishing: *Provided also*, That the meshes of nets used for catching shad shall not be less than three inches in width, or one and one-half inches from knot to knot above Trenton Falls: *Provided also*, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip-nets, or with any appliance whatever from June fifteenth to December thirty-first of any year, in the Delaware river above Trenton Falls. Any person or persons violating any of the provisions of this section, shall forfeit or pay the sum of one hundred dollars, with all costs of suit, together with the forfeiture of boats, nets and all appliances.

Except for shad and
herring.

Width of meshes of
nets for shad above
Trenton Falls.

Fishing for shad
with nets from June
15 to December 31,
prohibited.

Penalty for violation
of act.

SECTION 2. That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind, or device made from cotton or flax twine, or wire netting, similar to a fyke-net, for the purpose of catching fish in the Delaware river above Trenton Falls at any time in any year. Every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine, not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

The use of certain nets prohibited.

Violation of this act declared a misdemeanor.

Penalty.

SECTION 3. It shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stake or otherwise make use of any gilling-net, seine, shore-net, drift-net, eel-pots, or any kind of net for the purpose of catching fish in the Delaware river from sunset on Saturday night until twelve o'clock on Sunday night of each and every week; and the person or persons so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each and every offense.

Fishing with nets, etc., on Sunday prohibited.

Penalty.

SECTION 4. It shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or facine-nets, or any permanently set means for taking fish in the river Delaware above Trenton Falls; nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks, or any kind of appliances or set means of taking fish to any wing walls in the river Delaware above Trenton Falls. Nor shall any person or persons erect, build, or place, or cause to be erected, built or placed, any wing wall, or walls of stone or of any other substance or material, in the river Delaware above Trenton Falls, for the purpose of affixing, adjusting, placing or setting thereto or adjacent thereto, any of the above mentioned illegal devices, contrivances or appliances for taking fish. Any person violating the provisions of this law shall be fined fifty dollars for the first offense and be liable to imprisonment for one month in the county jail, or both at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars and imprisonment for three months in the county jail.

Erection and use of fish baskets, etc., above Trenton Falls prohibited.

Wing walls, etc., in connection with said appliances prohibited.

Penalty.

Penalty for second offense.

SECTION 5. It shall not be lawful to catch or kill, by any means whatever, any rock bass or wall-eyed pike, otherwise called Susquehanna salmon (species recently introduced in the river Delaware), within two years from the passage of this act, under a penalty of ten dollars for every fish caught or had in possession.

Rock bass or wall-eyed pike not to be caught or killed within two years.

Black bass, etc., not to be caught between January 1 and May 31.

And at no time save with hook and line.

Penalty.

Black bass under 6 inches long, and wall-eyed pike under 5 inches long not to be caught.

Penalty.

If caught to be returned to the water.

Catching fish for certain purposes allowable.

Duties of fish wardens and other officers.

Penalty for interference with officers in discharge of such duties.

Officers authorized to make arrests.

Hearing of charges before justices of the peace, etc.

SECTION 6. No person shall, by any means or device whatsoever, catch or kill in the Delaware river, any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year, save with rod, hook and line. Any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught.

SECTION 7. No person shall catch or kill, in the Delaware river, any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught. But should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken. Any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

SECTION 8. Nothing in this act shall be construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the State fish commission of any State having jurisdiction in the Delaware river for the purpose of stocking other waters.

SECTION 9. Any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this Commonwealth, is hereby authorized to destroy any fish-basket, eel weir, fyke-net, pound-net, shore-net, drift net, dip-net, wing wall or wing walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them. Any person or persons interfering with any of the above officers in the discharge of their duties or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail, or shall be subject to both penalties at the discretion of the magistrate or court before which he or they shall be convicted.

SECTION 10. Any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman, or special officer of this Commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act before any justice of the peace, magistrate or any other legally constituted authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear and determine the charge and render judgment accord-

ingly, with the right of *certiorari* or appeal as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above to prove his case the county in which it is heard shall pay the costs.

Appeal.

Costs.

SECTION 11. The fines imposed under any section of this act shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurers of the several counties of the State shall pay over to the commissioners of fisheries all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same to the treasurer of the State.

Application of fines recovered.

SECTION 12. No section, proviso, or part of this act shall be considered as valid or operative until the Legislature of New Jersey shall approve of the same by enacting a similar act in whole or in part.

This act to become operative only when a similar act is passed in New Jersey.

SECTION 13. All sections, provisos, or acts inconsistent with this act are hereby repealed.

Repeal.

APPROVED—the 22d day of May, A. D. 1889.

JAMES A. BEAVER.

No. 242.

AN ACT

For the protection of shad and game fish in the State of Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift-net, fyke-net, or net or nets of any other description, or use any other appliance for the catching of fish, except rod, hook and line in any rivers, streams or waters of this Commonwealth: *Provided*, That this section shall not extend to shad, herring and sturgeon fishing: *Provided also*, That the meshes of seines or nets used for catching shad shall not be less than four inches in width, or two inches from knot to knot, and the meshes of seines and nets used for catching herring shall not be less than two and one-fourth inches in width, or one and one-eighth inches from knot to knot: *Provided also*, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with any appliance whatever from June twentieth to December thirty-first of any year, in any of the rivers, streams or waters of this Commonwealth: *Provided also*, That the meshes of nets used for catching shad and herring shall not be less than two and a quarter inches in width, or one and one-eighth inches from knot to knot, in the river Delaware below Trenton Falls: *Provided also*, That it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip nets, or with any appliance whatever from June fifteenth to December thirty-first of any year, in

Fishing with nets prohibited.

Except for shad, herring and sturgeon. Size of meshes of seines or nets.

Shad and herring not to be caught with nets from June 20 to December 31.

Size of meshes for catching shad below Trenton Falls.

Shad and herring fishing with nets above Trenton Falls between June 15 and December 31 prohibited.

Time of fishing below Trenton Falls	the Delaware river above Trenton Falls. It shall be lawful to fish below Trenton Falls with nets having a mesh of not less than ten inches between the fifteenth day of June and the tenth day of July of any year:
Suckers and catfish.	<i>Provided</i> , That the provisions of this act shall not apply in the open season to the catching of suckers, eels and catfish, in streams other than trout streams, partly or wholly included in the survey of farm lands owned by any citizen of this Commonwealth, but nothing contained herein shall permit fishing by seines at any time.
Penalty for violations of this section.	Any person or persons violating any of the provisions of this section shall forfeit or pay the sum of one hundred dollars with all costs of suit, together with the forfeiture of boats, nets and all appliances.
The use of certain nets prohibited.	SECTION 2. That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind, device made from cotton or flax twine, or wire netting, similar to a fyke-net, for the purpose of catching fish in any of the rivers, waters or streams of this Commonwealth at any time in any year. Every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine, not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both at the discretion of the court before which such offender or offenders shall be convicted.
And declared a misdemeanor.	
Penalty.	
Erection and use of fish baskets, etc., prohibited.	SECTION 3. It shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or facine-nets, or any permanently set means for taking fish in any of the rivers, waters or streams of this Commonwealth. Nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks, or any kind of appliances or set means of taking fish to any wing walls in any of the streams, waters or rivers of this Commonwealth. Nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing wall, or walls of stone or of any other substance or material, in any of the streams, waters or rivers of this Commonwealth, for the purpose of affixing, adjusting, placing or setting thereto or adjacent thereto, any of the above-mentioned illegal devices contrivances or appliances for taking fish. Any person violating the provisions of this law shall be fined fifty dollars for the first offense, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars: <i>Provided</i> , That this section shall not apply to fishing with gill-nets below Trenton in the river Delaware, which proviso shall not give gill-nets the right to fish over any licensed fishing pond.
Wing walls, etc., in connection with said appliances prohibited.	
Penalty.	
Penalty for second offense.	
Exception	
Black bass under 6 inches in length and wall-eyed pike under 5 inches in length not to be caught.	SECTION 4. No person shall catch or kill, in any of the rivers, waters or streams of this Commonwealth, any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length,

under a penalty of ten dollars for every fish so caught. But should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken from waters in which they have been introduced within two years from the passage of this act; it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken; and no person shall by any means or device whatsoever catch or kill, in any of the waters of this State, any pike or pickerel between the first day of December and the first day of June in any year. Any violation of this section shall subject the offender to a penalty of ten dollars for each and every fish so caught.

Penalty.
But if caught to be returned to the stream.

Pike or pickerel not to be caught between December 1, and June 1.

Penalty for violation of this provision.

SECTION 5. No person shall by any means or device whatsoever catch or kill any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year, save with a rod, hook and line. Any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught: *Provided*, That neither this nor any of the preceding sections of this act shall apply to fishing in the waters of Lake Erie.

Black bass and wall-eyed pike not to be caught between January 1 and May 30.

And only with hook and line.

Penalty for violation.

This and preceding sections not to apply to Lake Erie.

SECTION 6. Nothing in this act shall be so construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the State Fish Commission of this State for the purpose of stocking other waters.

Catching fish for certain purposes allowed.

SECTION 7. Any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman or any special officer of this Commonwealth, is hereby authorized to destroy any fish-basket, cel-weir, fyke-net, pound-net, shore-net, drift-net, dip-net, wing wall or wing walls, or any illegal device named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them: *Provided*, That this section shall not authorize the destruction of any hauling seine used at any shore or island fisheries exclusively for catching shad or herring. Any person or persons interfering with any of the above officers in the discharge of their duties or resisting arrest, shall pay a fine of one hundred dollars or be imprisoned three months in the county jail, or shall be subject to both penalties at the discretion of the court before which he or they shall be convicted.

Duties of fish wardens and other officers.

Proviso.

Penalty for interference with officers in discharge of duties.

SECTION 8. Any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this Commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act, or

Officers authorized to make arrests.

Proceedings after arrest.

the violation of the laws of this Commonwealth in reference to illegal fishing, before any justice of the peace, magistrate or other legally constituted authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall hear and determine the charge and render judgment accordingly, with the right of *certiorari* or appeal as in all similar cases of arrest and conviction.

Appeal.

Application of fines recovered.

SECTION 9. One-half of the fines imposed under any section of this act shall be for the benefit of the prosecutor, and the other half shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurer of the several counties of the State of Pennsylvania shall pay over to their respective commissioners of fisheries of Pennsylvania, all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same into the State Treasury.

Repeal.

SECTION 10. All sections, provisos or acts inconsistent with this act are hereby repealed.

APPROVED—the 22d day of May, A. D. 1889.

JAMES A. BEAVER.

No. 243.

AN ACT

For the protection of fish in the waters of Lake Erie, within the jurisdiction of the Commonwealth of Pennsylvania.

Fishing with set nets and certain other appliances prohibited.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, it shall not be lawful for any person or persons to place any set-net or set-nets, fish-baskets, pond-nets, gill-nets, eel-weirs, kiddles, brush or fascine-nets, fyke-nets, or any other net or nets of whatever description or nature, or any other permanently set means of taking fish or otherwise, in the nature of seines, in any of the waters of Lake Erie, within the jurisdiction of this Commonwealth, within two miles from the entrance of any bay, or within one-half mile from the mouths of any streams, commonly known as and called creeks, flowing into said lake; nor shall any person make use of any device or appliance whatever for the purpose of taking, catching or killing fish within the above mentioned limits, or in the creeks flowing into said lake, save only with rod, hook and line. Any person violating the provisions of this section shall, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars for each and every offense.

Excepting rod, hook and line.

Penalty.

Catching or selling food fish for compost a misdemeanor.

SECTION 2. Any person or persons catching or selling any food fish, caught in the waters of Lake Erie, within the jurisdiction of the Commonwealth, for the purpose of