

*wealth where, under existing laws, whether special or general, the position and duties of a fire marshal are provided for,"* is hereby amended to read as follows:—

Section 15. This act shall not be construed to repeal an act of General Assembly, entitled "An act to provide for the appointment of a fire marshal for Allegheny County," approved the eighteenth day of April, Anno Domini one thousand eight hundred and sixty-four (Pamphlet Laws, four hundred and sixty-five); nor to repeal an act of the General Assembly, entitled "An act creating the office of Fire Marshal to be attached to the Department of Public Safety in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office," approved the eighth day of June, Anno Domini one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and five).

Allegheny County.

Cities of first class.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 275.

### AN ACT

To amend an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," as amended.

Section 1. Be it enacted, &c., That section ten hundred and seventy-eight of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," which, as amended by the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and ninety-seven), entitled "An act to amend sections one thousand and seventy-eight, one thousand and eighty-one, and one thousand and eighty-two of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," reads as follows:—

Townships of the first class. Sewers and drains.

Amendments to the act of July 14, 1917 (P. L. 840).

"Section 1078. *The board of township commissioners of townships of the first class shall charge so much of the cost of construction of any system of sewers or drains, constructed by the authority of section ten hundred and seventy of this act, as may be represented by*

Section 1078, as amended by section 1, act of July 9, 1919 (P. L. 797), cited for amendment.

*benefits*, upon the properties accommodated or benefited thereby," is hereby further amended so as to read as follows:—

Costs to be assessed upon properties benefited

Section 1078. The cost of construction of any system of sewers or drains constructed by the authority of section ten hundred and seventy of this act *shall be charged* upon the properties accommodated or benefited thereby *to the extent of such benefits*.

Section 2. That section ten hundred and seventy-nine of said act, which reads as follows:—

Section 1079, cited for amendment.

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

Sewer districts.

Section 1079. Whenever a sewer system is constructed by a township of the first class for the accommodation of a certain portion only of the township, the commissioners of such township may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case of *division into several districts*, the commissioners shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by ordinance. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping-stations, et cetera, used jointly by more than one district: the aggregate amount charged on property in any such district shall not exceed the amount of such estimate, *subject to the provisions of section ten hundred and eighty-two and ten hundred and eighty-three of this act. Where the whole of the township is accommodated by the system, it may also be treated as a single district or divided into districts, and be subject to the foregoing provisions.*

Apportionment of cost among districts.

Section 3. That section ten hundred and eighty of said act, which, as amended by the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and seventy-eight), entitled "An act to amend sections one thousand and eighty and one thousand and eighty-three, and to

repeal sections one thousand and eighty-four and one thousand and eighty-five, of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,' reads as follows:—

"Section 1080. Any amount not *properly* chargeable upon properties benefited shall be paid out of the general township *funds*," is hereby further amended to read as follows:—

Section 1080. Any amount not *legally* chargeable upon properties benefited shall be paid out of the general township *fund*.

Section 4. That section ten hundred and eighty-one of said act, which, as amended by the act, approved the ninth day of July; one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred ninety-seven), entitled "An act to amend section one thousand and seventy-eight, one thousand and eighty-one, and one thousand and eighty-two of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,'" reads as follows:—

"Section 1081. The charge for any such sewer construction in any township of the first class shall be assessed upon the properties accommodated or benefited by an assessment in proportion to benefits. The amount of the charge on each property shall be ascertained as provided in sections ten hundred and eighty-two and ten hundred and eighty-three of this act," is hereby further amended to read as follows:—

Section 1081. The charge for any such sewer construction in any township of the first class shall be assessed upon the properties accommodated or benefited *in either of the following methods*:

(a) *By an assessment, pursuant to township ordinance, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.*

(b) *By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on each property shall be ascertained as provided in sections ten hundred and eighty-two and ten hundred and eighty-three of this act.*

Section 1080, as amended by section 1, act of July 15, 1919 (P. L. 978), cited for amendment.

Amounts not chargeable on properties benefited.

Section 1081, as amended by section 2, act of July 9, 1919 (P. L. 797), cited for amendment.

Methods of assessment on properties benefited.

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

Section 5. That section ten hundred and eighty-two of said act, which, as amended by the act of the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred ninety-seven), entitled "An act to amend sections one thousand and seventy-eight, one thousand and eighty-one, and one thousand and eighty-two of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,'" reads as follows:—

Section 1082, as amended by section 3, act of July 9, 1919 (P. L. 797), cited for amendment.

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

Viewers.

Petition of commissioners for appointment.

Section 1082. *In all cases where the township commissioners shall select the method provided by subdivision (b) of the foregoing section ten hundred and eighty-one, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect for a period of three months after the completion of the sewer system to either ordain assessments by frontage or present petition for appointment of viewers, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, may present a petition to the court of common pleas of the*

Petition of taxpayers for appointment.

*proper county for the appointment of viewers to assess benefits; and in all cases where such taxpayers shall, within three months of the adoption of any ordinance levying an assessment under the method provided by subsection (a) of said section ten hundred and eighty-one, by petition state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the said court shall thereupon appoint three disinterested persons from the board of county viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewer in question. The viewers, or a majority of them, having been sworn or affirmed to perform their duties with fidelity and impartiality, shall assess, upon each piece of land abutting upon the line of said sewer system which, in their opinion, is benefited by its construction, such amount as represents the benefit accruing to such lot. In no case shall the viewers, in assessing benefits to private property through which any sewer runs, take into consideration any damages which such property has sustained, but all such damages shall be assessed in the manner provided in sections ten hundred and seventy-four and ten hundred and seventy-seven inclusive of this act. The aggregate of the assessments in any sewer district shall not exceed the amount charged to such district for its share of the cost of the sewer construction, unless the same shall, by petition of taxpayers whose property valuation as aforesaid shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, presented within three months after the adoption of an ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition, by taxpayers as aforesaid, for appointment of viewers, any assessment made by the commissioners and any proceedings thereunder shall be null and void.*

Appointment.

Assessment of benefits.

Damages to be disregarded.

Aggregate of assessments.

Section 6. That section ten hundred and eighty-three of said act, which, as amended by the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred seventy-eight), entitled "An act to amend sections one thousand and eighty and one thousand and eighty-three, and to repeal sections one thousand and eighty-four and one thousand and eighty-five, of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and re-

vising, amending, and consolidating the law relating thereto,'” reads as follows:—

Section 1083, as amended by section 2, act of July 15, 1919 (P. L. 978), cited for amendment.

“Section 1083. The viewers, or a majority of them, shall make report in writing, specifying the amount assessed by them on each lot or parcel of land, and shall file the same with the township secretary within the time directed by the order appointing them. After the report is filed, the viewers shall cause public notice thereof to be given by publication for two weeks in two newspapers of the county having a general circulation in the township. Such *advertisement* shall state a time, not less than fifteen days after the filing of the report, and a place where the viewers will meet, and exhibit their report, and hear all exceptions and objections thereto on behalf of the property owners or by representatives of the township or taxpayers thereof. After the hearing of such objections, the viewers shall make whatever changes they deem proper in their report.

“When such revision has been made, notice by advertisement in the two newspapers aforesaid for two weeks shall be given by the viewers of the amount assessed against each lot or parcel of land, and the name of the owner or reputed owner, and a report in writing, signed by said viewers, or a majority of them, specifying the amount assessed on each lot or parcel of land *and the name of the owner or reputed owner*, shall be made to the court of common pleas, a copy thereof also to be filed at the same time with the township treasurer; and when the report is filed in court, *the same shall be confirmed nisi. Forty-five days after the filing of the report, if no exceptions thereto have been filed nor an appeal to the court for a jury trial is taken as hereinafter provided, the report shall be confirmed absolutely, and the amount of any assessment against any lot or parcel of land which shall not theretofore have been paid to the township treasurer (who shall in the meantime certify such payments to the prothonotary) shall be entered as a judgment in favor of the township and against the owner, and constitute a lien upon the land against which it is assessed. Any taxpayer may enforce the collection of such judgment by issuing an execution on behalf of the township, in case the board of commissioners of said township fail to enforce such collection within one year from the entry of said judgment, and this privilege shall extend to the enforcement of the collection of any judgment consequent upon any jury trial hereinafter provided for.* Within thirty days after the filing of the report, any property owner affected thereby or the board of township commissioners may file exceptions thereto, or appeal to the court and demand a trial by jury.

If the board of township commissioners shall fail to file exceptions to or take an appeal from all or any portions of the report within said period of thirty days, any taxpayer of the township may, on behalf of the township, file exceptions to or appeal from all or any portion of the report to the court of common pleas within fifteen days after the expiration of said period of thirty days, upon giving security, approved by the court, for the payment of subsequently accruing costs in case the exceptions or appeal shall not result more advantageously to the township than the report itself.

"From such final confirmation of the report or from any judgment on a verdict of a jury, either party may, within six months, appeal to the Superior or Supreme Court.

"The court of common pleas shall have the power to refer the report back to the viewers for revision, and may confirm absolutely any portion of the report not affected by any exceptions filed or appeal taken, and enter judgment accordingly. In case of revision of report, the same procedure shall be followed as hereinbefore prescribed.

"All costs of advertising shall be paid by the township upon presentation of bill by the viewers approved by the court," is hereby further amended so as to read as follows:—

Section 1083. The viewers, or a majority of them, shall make report in writing, specifying the amount assessed by them on each lot or parcel of land, and shall file the same with the township secretary within the time directed by the order appointing them. After the report is filed, the viewers shall cause public notice thereof to be given by publication, *once a week* for two weeks, in two newspapers of the county having a general circulation in the township. Such notice shall state a time, not less than fifteen days after the filing of the report, and a place *when and where* the viewers will meet, and exhibit their report, and hear all exceptions and objections thereto on behalf of the property owners or by representatives of the township or taxpayers thereof. After the hearing of such objections, the viewers shall make whatever changes they deem proper in their report. When such revision has been made, notice by advertisement in the two newspapers aforesaid, *once a week* for two weeks, shall be given by the viewers of the date when their report will be filed in court, of the amount assessed against each lot or parcel of land, and the name of the owner or reputed owner; and a report in writing, accompanied by a plan showing the improvement and the properties benefited, signed by said viewers or a majority of them, specifying the amount assessed on each lot or parcel of land,

Report of viewers.

Notice.

Hearing.

Modification of report.

Notice.

Report to court of common pleas.

shall be filed in the court of common pleas, and a copy thereof, signed by the viewers or a majority of them, also shall be filed at the same time with the township treasurer; and when the report is filed in court, it shall be confirmed nisi. Within thirty days after the filing of any report, the township or any other party interested may file exceptions thereto, or appeal to the court of common pleas therefrom, and demand a trial by jury. At the end of said thirty days, the report shall be confirmed absolutely as to all portions in respect to which no exceptions have been filed or appeal taken. The practice and procedure, in respect to exceptions, appeal to the court of common pleas and the Supreme or Superior Courts, shall be in accordance with the provisions of the general law regulating the same matters following proceedings by viewers for assessment of damages, costs, and expenses upon the properties benefited in the several municipalities of this Commonwealth.

Exceptions.

Absolute confirmation.

Practice.

Appeals.

The court of common pleas shall have the right to confirm the report of viewers, or to modify, correct, or otherwise change the assessments made therein, or refer the same back to the same or new viewers, with instructions to proceed anew or to correct errors in procedure or otherwise, with like power as to their report.

Right to take exceptions or appeal.

The right of exception to, or appeal from, said report of viewers, within said period of thirty days, is hereby conferred upon the township or any taxpayer of the township, together with the right of appeal to the Supreme or Superior Court from any order, decree, or judgment of the court of common pleas.

Sections 1084 and 1085 added.

Section 7. That article one of chapter fourteen of said act be, and the same is hereby, amended by adding thereto, after section ten hundred and eighty-three, the following sections:—

Liens for assessments.

Section 1084. After the amount of the assessment charged upon the several properties has been established, either by ordinance making assessments according to frontage or by confirmation of any report of viewers in whole or in part, it shall be the duty of the township commissioners to file municipal liens for the assessments covered by such ordinance or confirmation within the time and in the manner provided by law; the same to be subject, in all respects, to the general law providing for the filing and recovery upon municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The commissioners shall also make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed to all

Payment of assessments.

Bills.

such owners residing elsewhere whose address is known.

Section 1085. The costs of publication of notices in proceedings before viewers shall be paid by the township, upon presentation of bills approved by the court.

Costs of advertising.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 276.

AN ACT

Providing for the recording of deeds and registration of same.

Section 1. Be it enacted, &c., That it shall be the duty of the recorders of deeds, in the several counties in this Commonwealth, to receive all deeds presented for record, when the same are duly executed and acknowledged as required by law, and record the same, and if by virtue of any provision of law, any such deed, so presented for record, is required to be registered in any office for registration of deeds, other than said recorder's office, within the county in which it is so offered for record, the said recorder of deeds shall nevertheless record such deed, whether it has been so registered or not, and, in such case, it shall be the duty of the recorder, within ten days after the deed has been received by the recorder for record, to have such deed registered in such other registry office or offices before delivering the deed to the party entitled to receive the same. On all deeds which the recorder is required to have registered under the provisions of this act, he shall be entitled to collect a fee of twenty-five cents for each description contained in said deed or deeds, in addition to the recording fee.

Recorders of deeds.

Duty to record deeds.

Unregistered deeds.

Registration by recorder.

Fee.

Section 2. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Repeal.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.