

CITIES, PURCHASE, USE, MAINTENANCE, CONDEMNATION OF BRIDGES
Act of May 26, 1893, P.L. 154, No. 97

Cl. 11

AN ACT

Authorizing cities of the Commonwealth of Pennsylvania to purchase, maintain, use and condemn, bridges erected and in use over rivers and streams separating or dividing any part or district of such cities, and providing the manner in which compensation shall be made.

WHEREAS, In cities of this Commonwealth sections or districts thereof are divided and separated from each other by rivers and streams of water, rendering bridges necessary for the connection of the same in order that the inhabitants may have access to each part.

And whereas, Many of such bridges have been erected and are operated by private corporations and the tolls thereon have become burdensome to the people, and it is desirable such cities should have the ownership of and control of such bridges to make the same free for the people, therefore;

Section 1. Power of cities to purchase or appropriate

Whenever any city of this Commonwealth shall be divided or separated in any of its territorial sections or parts by intervening rivers or streams of water it shall be lawful, and the right is given to such city or cities, to purchase, enter upon, take, use, hold and appropriate such bridge or bridges, together with the approaches and appurtenances thereto, lying within the corporate limits of such cities as shall have been erected and now in use over such rivers or streams of water so dividing and separating the sections or parts aforesaid. Whenever the councils of such cities shall determine upon the purchase, appropriation or condemnation of such bridge or bridges, approaches and appurtenances, it shall be so expressed by ordinance or joint resolution of such councils. 1893, May 26, P.L. 154, Sec. 1.

Section 2. Bond for damages

If the compensation to be paid for such bridge cannot be agreed upon between the owners thereof and such cities, it shall be lawful for such city, or cities, to tender the bond thereof as security to the person, firm or corporation claiming or entitled to compensation, or to the attorney or agent of any absent person, or to the agent or officers of a corporation, or to the guardian or committee of any one under legal incapacity, the conditions of which shall be that the said city shall pay or cause to be paid such amount of damages or compensation as the person, firm or corporation, as the case may be, shall be entitled to receive after the same shall be agreed upon or assessed in the manner provided in this act; in case the party or parties claiming damages or compensation refuse or do not accept the security so tendered, such city shall then give the party, his or their agent, attorney, guardian or committee, written notice of the time when the same will be presented in

the court for approval, and thereafter the said city may present said security to any court of common pleas of the county wherein such bridges are located and used, and when approved, the said security shall be filed in said court for the benefit of those interested, and recovery may be had thereon for the amount of damages or compensation assessed, if the same be not paid, or cannot be made by execution on the judgment in the issue formed to try the question, and upon the approval of said security said city may enter upon, appropriate, take, hold, use and control such bridge or bridges. 1893, May 26, P.L. 154, Sec. 2.

Section 3. Appointment of viewers; their duties

In case the compensation for damages accruing from such appropriation, taking, holding and using, have not been agreed upon, any court of common pleas of the proper county, or any law judge thereof in vacation, on application thereto by said city or any person interested, shall appoint three discreet and disinterested freeholders as viewers, and appoint a time not less than ten nor more than twenty days thereafter, when said viewers shall meet and view the said bridges. The said viewers shall give at least ten days' notice in writing of the time of their first meeting to the owners, agents, officers, attorneys or representatives of the person interested, or such other notice as the court may direct.

The said viewers having been first duly sworn or affirmed faithfully, justly and impartially, to decide and true report to make concerning all matters and things to be submitted to them and in relation to which they are authorized to inquire under the provisions of this act, and having viewed the property and structure, shall hear all parties interested and their witnesses and shall estimate and determine the damages for the property so taken, appropriated, held and used, to whom the same are payable; they shall give at least ten days' notice thereof, in the manner herein provided, to all parties interested, of the time and place when said viewers will meet and exhibit said report and hear all exceptions thereto.

After making whatever changes are deemed right and proper the said viewers, or any two of them, shall make report to the court, showing the amount of damages or compensation allowed, and to whom payable, and shall file therewith a plan showing the location of said bridge, or bridges, so taken and appropriated. 1893, May 26, P.L. 154, Sec. 3.

Section 4. Proceedings upon report of viewers

Upon the report of said viewers or any two of them, being filed in said court, any party interested may, within thirty days thereafter, file exceptions to the same, and the said court shall have power to confirm said report or to modify, change or otherwise correct the same, or refer the same back to the same or new viewers with like power as to their report. Or within thirty days from the filing of such report in court any party interested may, appeal and demand a trial by jury, and any party so interested may, within thirty days after final decree, have an appeal to the supreme court. If no exceptions are filed, or no demand made for trial by jury within said thirty days after the filing of said report, the same shall become absolute.

The said court of common pleas shall have power to order what

notices shall be given in connection with any part of said proceedings and may make all such orders as it may deem requisite. 1893, May 26, P.L. 154, SEc. 4.

Section 5. When viewers may be appointed; oaths; costs

The viewers provided for in the foregoing sections may be appointed before, or at any time after, the entry upon, taking and appropriating of such property. They shall have power to administer oaths or affirmations to all parties and witnesses.

The costs of the viewers and all court costs incurred in the proceedings aforesaid shall be defrayed by said city, and each of the said viewers shall be entitled to a sum not exceeding five dollars per day for every day necessarily employed in performance of the duties herein prescribed. 1893, May 26, P.L. 154, Sec. 5.