

LAWS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF PENNSYLVANIA,
PASSED AT THE SESSION 1834-35.
IN THE
FIFTY-NINTH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:

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1835.

liam and Nathan Skeer," in the list of the commissioners, in the first section of said law; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Walker, of the county of Butler, shall be deemed to have been duly appointed by the said act one of the said commissioners, and that all his acts as such are hereby declared to be good and valid: *And provided also,* That the act or acts of the majority of the said commissioners shall be considered as good and valid as if their whole number had concurred therein; and that the restriction of the number of shares of the stock of said company to one hundred is hereby repealed.

W. Walker appointed a commissioner Proviso.

Acts of majority of commissioners made valid.

JAMES THOMSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The seventh day of March, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

—••••—
No. 41.

An Act

To supply the borough of Harrisburg with water, and for other purposes

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporation of the borough of Harrisburg, in the county of Dauphin, be and they are hereby authorized and empowered to procure and introduce into the said borough a sufficient supply of pure fresh water, for the use of the citizens thereof, at the expense of the said borough.

Corporation authorized to introduce water.

SECTION 2. In order to carry into effect the provisions of the foregoing section, the corporation of the borough of Harrisburg aforesaid are hereby authorized to occupy and use such streams and springs of water as may be fixed upon and found suitable or purchased by the said corporation for that purpose, and to bring and convey the requisite supply of water into the said borough, by means of pipes, trunks or aqueducts; and also to dig and wall up the said springs and streams, and to provide and construct the proper cisterns or reservoirs for the reception of the water thereof. And for these purposes the said corporation, by their agents and workmen, may at all times enter in and upon and occupy and use such lands and enclos-

May use streams and springs, &c. for a supply.

Construct cisterns or reservoirs.

Occupy and use certain lands, &c.

- ur's as may be deemed necessary, and dig trenches and drains or ditches, lay and construct pipes, trunks or aqueducts through the same, and whatever else may be deemed necessary for the purposes aforesaid, as well as constantly to protect, uphold, alter, extend and repair the same, the said corporation doing as little injury to private property as may be practicable, and paying for whatever land shall be occupied or damage done by them to the owners thereof such compensation as shall be amicably agreed upon between the parties, or as shall be assessed by three disinterested citizens, mutually to be chosen between them, or, in case of disagreement, to be appointed by the Court of Common Pleas of Dauphin county, on the application of either party to the said court for that purpose, and who shall first be duly sworn or affirmed, justly and truly to make such assessment, after viewing the premises and hearing the parties. And the said corporation shall at all times thereafter have the liberty to construct, renew, repair, extend and protect the said pipes, trunks, aqueducts, reservoirs, and all other works which they may deem necessary to construct for the purposes aforesaid, on and through private property, doing as little damage as possible; and the said corporation shall also at all times have the liberty to dig, construct and lay pipes, trunks, aqueducts, along the roads and highways, streets and alleys, within the said county, and under the Pennsylvan a canal, and to revise, extend, protect and repair the same, whenever required, shutting up and amending any breaches which they may occasion as soon as practicable.
- SECTION 3.** The said corporation shall erect hydrants in such streets of the said borough where pipes shall be laid, at such points as they may deem most suitable, to be used solely for the extinguishment of fires. And the said corporation are hereby authorized and empowered to sell out of the said water, for the benefit and use of the said borough, to all and every person and persons who may be disposed to use the same, at such rates as may be by them from time to time established, having regard to the probable quantity of water which applicants are likely to consume, and regulating the price accordingly; and any person or persons, who shall take any of the said water for domestic, manufacturing or other purposes, without having previously contracted for the same with the said corporation, shall forfeit and pay for every such offence the sum of two dollars, to be recovered before any justice of the peace of said county, in the same manner as debts of equal amount are now by law recoverable, one half of such fine to go to the informant, and the other to the said corporation.
- SECTION 4.** The proceeds of sales of the said water shall be applied by the said corporation, first to the payment of the interest on such sum of money as may be found necessary to borrow for the purposes aforesaid, so long as it may be thought advisable to continue said loan; secondly, to the discharge of
- Pay for land occupied or damage done.**
- In case of disagreement, Court of C. P. to appoint.**
- General powers.**
- Hydrants for extinguishment of fires.**
- Authority to sell water power.**
- Penalty for taking water without previously contracting.**
- Proceeds of sales, how to be applied.**

the principal of the said loan, and lastly, after the said principal and interest are fully paid off, to apply the proceeds of the sales of said water forever thereafter to the extension of the said water works and the improvement of the said borough: *Provided* **Proviso.** *always,* That the expense of all the necessary repairs, superintendence and care of the said water works be paid first out of the said proceeds of sale of the said water.

SECTION 5. That any person or persons, who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of the works of the said corporation, (whether for their protection or otherwise, erected in pursuance of this act,) or shall wilfully corrupt, or in any wise render impure or unwholesome any of the springs or streams of water which shall be used by the said corporation for the purposes aforesaid, or any of the waters thereof, shall, on being convicted thereof, before any justice of the peace of said county, by the oath or affirmation of one or more credible witnesses, forfeit and pay a fine of not less than ten nor more than fifty dollars for the first offence, and double those rates for the second offence, one half of such fine to the use of the poor of said county, and the other half to the informant, to be recovered as debts of like amount are now by law recoverable, and shall moreover remain liable for all damages to the said corporation. **Penalty for wilful injury of works, &c.**

SECTION 6. The corporation of the said borough of Harrisburg are hereby authorized and empowered, if it shall be found to be necessary for the accomplishment of the purposes of this act, to borrow such sum of money as may be required therefor, upon the faith and credit of the said borough, at a rate of interest not exceeding six per centum per annum, and to apply such portion of the taxes raised upon the said borough, as may be required to the punctual payment of the said interest. **Corporation may borrow money to fulfil this act.**

SECTION 7. That in case the said corporation should, upon examination, find that they were not able to accomplish the object of bringing water into the said borough from any of the streams in the vicinity of the same, that in that case they shall have full power to purchase any site which they may think proper, upon the bank of the Susquehanna river, and there to construct, erect and put up any buildings and machinery which may be required for the purpose of forcing water into the borough of Harrisburg, with power to place a reservoir on the north-east corner of the enclosed public ground on Capitol Hill: *Provided,* The buildings of the Commonwealth shall be supplied with a sufficient quantity of water from said reservoir. **Authority to purchase site for erection of buildings, &c. Proviso.**

JAMES THOMPSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and thirty-five.

GEO: WOLF.