

No. 251.

AN ACT

To supply the Borough of Huntingdon with Water.

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 Huntingdon, in the county of Huntingdon, by their president and town council, be and they are hereby authorized and empowered to 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 may introduce water.

To erect works, &c.

Provide.

SECTION 2. That in order to carry into effect the provisions of the foregoing section, the said president and council shall provide, erect and maintain all works and machinery, or engines necessary or proper for raising and introducing into the said borough of Huntingdon, a sufficient supply of fresh and pure water, at any point on the bank of the Juniata river, north of the county bridge: Provided, That the same shall not obstruct the navigation of said river, nor interfere with the water rights of A. P. Wilson, Esquire, and shall provide, erect and maintain the necessary buildings and machinery, either by water or steam power, for the purpose of raising and throwing the water on the high grounds northwest of the borough, and shall provide and erect and maintain all proper cisterns and reservoirs for the reception of the water they may so introduce, and for this purpose they are hereby authorized and empowered by themselves, their agents, artizans, engineers and workmen, with their tools, instruments, carts, wagons and other carriages, and beasts of burden or draft, from time to time, and at all times hereafter, to enter into such lands and enclosures, and public or private roads or highways as may be necessary, and to occupy, dig, ditch and lay pipes through the same, and the same to raise, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof in the manner hereinafter provided for.

May enter upon lands.

SECTION 3. That the said president and town council of the borough of Huntingdon and their successors in office, their superintendents, engineers, and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of burden or draft, may enter upon any lands, streets, lanes, alleys or highways laying between the water works on the banks of the Juniata river, and the reservoirs authorized to be constructed by this act, and dig ditches for the purpose of laying pipes from said water-works to the said reservoir or reservoirs, and to lay pipes for the conveying of water through said lands from time to time, and at all times thereafter, and if necessary for the purpose of taking up, repairing and laying down again said pipes as often as the same may be required; and also to take and convey stone, earth, sand or other material necessary to the construction of said reservoirs, or to the proper laying down of the said pipes.

SECTION 4. That the president and town council, for the better carrying out of the object aforesaid in their corporate capacity, shall have power and they are hereby authorized and empowered to purchase any lands which may be required in the construction of said water-works, cisterns, reservoirs, or laying down pipes, or for the purpose of procuring stone, sand, ground or earth, and the same to hold in fee simple, or for any less estate, with full power the same or any part or parts thereof to grant, bargain, sell, alien, convey and dispose of at their will and pleasure.

Power to purchase lands.

SECTION 5. That if the parties cannot agree upon the compensation to be made to the owner or owners of any such lands, enclosures, public or private roads or highways, it shall and may be lawful for either party to present his petition to the court of common pleas of said county, setting forth the facts and praying the court to appoint proper persons to view the lands and premises, and value the same or assess the damages, whereupon the court shall appoint three suitable and disinterested persons of the county of Huntingdon, whose duty it shall be, after being first sworn or affirmed, to view the lands and premises and injuries complained of, and make report of the damages done or the value of said lands to the next court of common pleas, upon which report judgment shall be entered and execution issued as in other cases of debt; nevertheless, should either party feel himself or themselves aggrieved, they shall have the privilege of filing exceptions to said report at any time during the first week of the court, and also the right to a writ of error, for which services the viewers shall be entitled to one dollar per day, and the officers of the court the same fees as for similar services or proceedings in other cases, to be paid in, in all cases by the party against whom report shall be made.

Compensation to owners of land.

SECTION 6. That the president and council of the borough of Huntingdon in council assembled, shall have full power and authority to pass, ordain and enact all laws and ordinances to enable them to convey the said water through the borough in all directions, and to fix hydrants or fire plugs wheresoever they may deem proper, and to fix and determine the uniform rates of prices to be paid by the citizens for the use of the said water, and to protect the water-works, cisterns, reservoirs, pipes, plugs and hydrants from damage or destruction, and generally to do all things requisite and necessary for carrying into full and perfect effect the objects contemplated by this act.

Laws and ordinances.

SECTION 7. That if any or persons shall wilfully take, lead, conduct or carry off, or shall knowingly suffer or permit to be taken, led, conducted or carried off, any offal, or any putrid, noxious or offensive matter, from any dye-house, still-house, brew-house, tan-yard, or shall drain the water from the barn-yard or stable or from any manufactory, into the canal that may be constructed by the president and town council of the borough of Huntingdon for introducing water into said borough, or shall throw, cast or wilfully suffer to fall into the canal or head of the water-works, or into any reservoir or reservoirs to be erected by said corporation of the borough of Huntingdon, or shall go in to bathe or swim said canal, race, reservoir or reservoirs, or shall entice, throw, lead or conduct any animal therein, or shall cut, deface, mutilate or otherwise injure any part of the buildings, machinery or work that may be erected or purchased by the said corporation, in pursuance of the powers given by this

Offensive matter and injury to works.

act, every such person or persons so offending shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the justice, to be recovered with costs of suit, in the same manner as debts under one hundred dollars, are by law recoverable by any person that shall sue for the same before any alderman or justice of the peace of the borough of Huntingdon; one-half of said fine for the use of the informer and the other to go to the borough treasury: and in all suits for fines or penalties under this act, the informer or person suing shall be a competent witness, notwithstanding his interest in the fine or penalty, and if any person or persons so offending against the provisions of this section shall neglect to pay the amount for which judgment may be as aforesaid rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons so offending shall be committed to the jail of the county of Huntingdon for any period of time not less than twenty-four hours nor more than sixty days, according to the discretion of the justice or alderman rendering the said judgment.

Construction of
act.

SECTION 8. That nothing in this act shall be taken to prevent the introducing of water into the borough of Huntingdon, from any spring or stream of running water if the same can be found of sufficient elevation and quantity passing through the lands and premises of the owners, to dig ditches and lay pipes under the same rules and regulations as in the third, fourth and fifth sections of this act: *Provided*, That the same shall be deemed by the president and council of the borough of Huntingdon preferable to the taking of water out of the Juniata river.

Proviso.

Borrow money.

SECTION 9. That the president and town council of the borough of Huntingdon, in their corporate capacity, are hereby authorized and empowered for the purpose of carrying into full effect the object of this act, to borrow any sum of money not exceeding twenty thousand dollars, in the name and upon the faith, credit and responsibility of the said borough of Huntingdon, and to issue corporate bonds or certificates of loan for the payment of the same, bearing an interest of six per centum, payable semi-annually, and the principal to be paid agreeably to the terms of the contract; and the said corporation shall have power to impose and assess such tax or taxes from time to time, as may be necessary to pay the interest upon such loan and to redeem the principal, at such time and in such manner as may be conformable to the terms upon which the same is taken: *Provided*, That no corporate bond or certificate of loan be issued for a less sum than one hundred dollars, signed by the president of the council, and attested by the treasurer of the borough under the seal of the corporation.

Proviso.

Authority to levy
and assess a tax.

SECTION 10. That so soon as the corporation have completed their water works and ready to dispose of permits for the use of the water, the corporation are hereby authorized and empowered to levy and assess a tax upon all those who refuse to take the water, equal in amount to what the occupiers of the premises could be charged for water, under the rules and regulations for the disposal of water; this tax to be called a protective tax, in consideration of the use of the water in protecting their buildings from fire.

Borough tax.

SECTION 11. That the corporation of the borough of Huntingdon, by the president and town council, shall hereafter if necessary, levy and assess a borough tax on all taxable property of

said borough, not exceeding fifty cents on the one hundred dollars in any one year on the valuation of taxable property, taken for the purpose of raising county rates and levies.

E. B CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 252.

AN ACT

To authorize the extension of the Jersey Shore, Pine Creek and State Line Railroad.

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 Jersey Shore, Pine Creek and State Line railroad company be, and is hereby authorized to extend their road from a point on the same, near the mouth of the third fork of Pine creek, in the county of Tioga, by way of said third fork and Crooked creek, to the Tioga railroad near the village of Tioga, in said county, subject to the provisions contained in the act of Assembly incorporating said company.*

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and fifty-four.

WM. BIGLER.