

LAWS

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

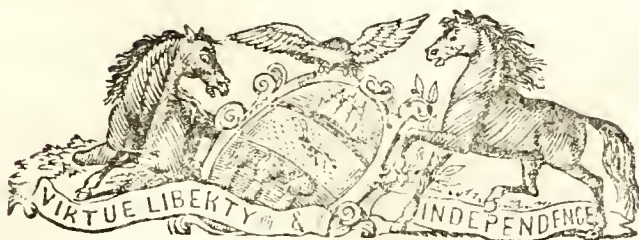
STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1855.

IN THE

SEVENTY-NINTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:
A. BOYD HAMILTON, STATE PRINTER.

1855.

No. 432.

A N A C T

Relative to supplying the borough of Altoona 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 burgess and town council of the borough of Altoona, in Blair county, are hereby authorized and empowered to enter into a contract with the Pennsylvania railroad company, for the use of the surplus water introduced by said company into the borough of Altoona, for the supply of their locomotive engines and workshops, et cetera, so far as may be necessary to supply the citizens of said borough with water; and the said Pennsylvania railroad company are hereby authorized and empowered to enter into a contract with said burgess and town council for said purpose, on such terms as may be mutually agreed upon by and between them.

May sell surplus water.

SECTION 2. That the said burgess and town council of the borough of Altoona, be and they are hereby authorized to construct a basin or reservoir for water, to hold a sufficient supply for the citizens of said borough, on ground to be procured for said purpose, and shall proceed to construct the same, and to dig trenches, and lay down trunks and pipes where deemed necessary, along the streets and alleys of said borough, for the purpose of conveying said water, and supplying said borough, as is hereinafter provided with the same, as soon after the consummation of said contract as practicable, and shall have liberty, at all times, to renew and repair the same, shutting up and amending any breaches which may be made as soon as possible; and that they be authorized to borrow, on the credit of the borough, any sum necessary to effect the same, not exceeding five thousand dollars, in such sums, and at such times as may be necessary; and they are hereby authorized and empowered to levy and collect a tax which shall, with the rent of said water, be sufficient to pay the interest of said loan, and create a sinking fund to repay the principal.

Reservoir.

Water pipes.

Repairs.

Borrow money.

Levy tax.

Sinking fund

SECTION 3. That the burgess and town council of said borough shall, at all times, where trunks and pipes shall be laid in and through any of the streets and alleys in said borough, suffer the citizens of said borough to be supplied with water for domestic use, and such other uses as the burgess and town council may permit, for such reasonable compensation as shall from time to time be agreed on by the said burgess and council and such individuals, according to such certain uniform rates as the burgess and town council shall hereafter adopt, having regard to the quantity of water which applicants are likely to consume: *Provided,* That the owners of the freehold on and upon which said water is taken and used, shall in all cases be the parties with whom such contract for the use of the water shall be made, and the said real estate be bound for and liable for the payment of the same, reserving to the borough the right to contract with

Use of the water.

Prices

Proviso

the lessees or tenants, if they see fit and proper so to do; and any person or persons within the said borough who shall take any of the said water for domestic or other uses, without having previously contracted for the same with the said burgess and town council, shall forfeit and pay for every such offence any sum not exceeding the sum of fifty dollars, to the said burgess and town council, for the use of the borough, to be recovered before a justice of the peace by action of debt or assumpsit, in the same manner as debts of equal amount are now recoverable.

Penalty for illegally using water.

Penalty for wasting water.

SECTION 4. That if any person or persons, or body politic, who shall have contracted with said burgess and town council for the use of said water, shall wantonly and unnecessarily waste the same, to the injury of the said borough, or shall permit any other person or persons, not being by the said contract entitled to the use thereof, to make use of the same, or shall neglect and fail to pay to the said borough the amount of money by him, her or them agreed upon to be paid as a compensation for the use of said water, for the period of three months after the same shall be due and payable, according to the terms of said contract, it shall be lawful for the burgess and town council to withhold and cut off the water from the premises of such individual or body politic and corporate, until all such arrearages, with interest and the costs of recovery, shall be paid: *Provided*, That nothing herein contained be so construed as to affect, impair or take away the right of the said borough to sue for and recover the amount of such arrearages.

Proviso

Injuries to works.

SECTION 5. That if any person or persons shall wilfully destroy or injure in any manner the pipes, cisterns, reservoir, hydrants, or any of them, or any of the works of the said borough, erected or to be erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome, or use without permission the stream of water which shall be conveyed or brought through the said borough, on being convicted thereof before any justice of the peace in and for the county of Blair, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding twenty dollars, one-half to go to the poor of said county and the other half to the informer, and shall moreover remain liable for all damages to the borough.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The second day of May, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.