

# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1871,

In the Ninety-fifth year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

B. SINGERLY, STATE PRINTER.

1871.

the act incorporating the Lackawanna iron and coal company, approved the fifth day of April, one thousand eight hundred and fifty-three.

SECTION 10. That said company may borrow money and create indebtedness, in such way and manner as the board of directors may deem necessary, for the prosecution and management of the business of the same, and issue the securities of the said company therefor, in such form and manner and payable in such places as they may deem proper, at a rate of interest not exceeding seven per centum, and dispose of such securities in such manner and at such places as the board may direct.

May borrow money and create indebtedness.

SECTION 11. That the said company shall have power to construct lateral railroads, not exceeding fifteen miles in length, for the more economical working of the aforesaid properties, with all the powers and privileges, and subject to all restrictions, terms and conditions authorized and empowered by an act regulating railroad companies, passed nineteenth day of February, one thousand eight hundred and forty-nine, and the several supplements thereto.

May construct lateral railroads

JAMES H. WEBB,

Speaker of the House of Representatives.

WILLIAM A. WALLACE,

Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and seventy one.

JNO. W. GEARY.

No. 217.

## An Act

Authorizing the city of Altoona to provide a supply of water and to borrow money.

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 for the purpose of introducing into the city of Altoona, in the county of Blair, a sufficient supply of fresh and pure water, for the use of the inhabitants thereof, the corporate authorities of said city are hereby authorized and empowered to purchase and hold, in the name of said city, in fee simple, or for any less estate, any water-power or water-powers in, near or convenient to said city, or any lands, tenements or hereditaments to which any water-power or water-powers may be appurtenant, and to purchase from the Altoona gas and water company any or all of their water rights, build-

Corporate authorities authorized to purchase water powers, &c.

May purchase buildings, &c., from Altoona gas and water company.

May take possession of streams of water.

ings, reservoirs, cisterns, pipes, hydrants, machinery, fixtures, or any other thing useful or necessary in the conveyance, storage or distribution of water in and through said city, and the same to hold, use and enjoy, with full power the same or any part thereof to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber and demise, and dispose of at their will and pleasure, and also to take, occupy and enjoy any stream or streams of water in, or near said city, that they may deem necessary to carry out the object and purpose of this act, or any lands to which any such stream or streams of water may be appurtenant, with full power to hold the same, for the purpose above mentioned, they doing as little damage as possible, and making compensation to the owner or owners thereof, in the manner hereinafter provided for.

Authorized to erect works.

May enter enclosures, streets, &c.

**SECTION 2.** That the said corporate authorities of the city of Altoona shall have full power and authority to provide, erect, construct and maintain all works and machinery necessary or proper for introducing into said city a sufficient supply of fresh and pure water, and to provide, erect, construct and maintain all proper buildings, dams, conduits, trenches, pipes, drains, machinery, cisterns and reservoirs, and all things necessary or proper to the full and entire completion of the same; and for this purpose they are hereby authorized and empowered by themselves, their agents, artisans, engineers and workmen, with their tools, instruments, carts, wagons, and other carriages and beasts of burden or draught, from time to time, and at all times hereafter, to enter into and upon such lands or enclosures, streets, lanes, alleys, roads or highways, as it may be necessary to hold, occupy or use, avoiding unnecessary injury or obstruction to said streets, lanes, alleys, roads or highways, and doing as little damage as possible to private property, and making compensation to the owner or owners thereof, in the manner hereinafter provided for.

May enter upon lands contiguous to works and take materials.

**SECTION 3.** That the said corporate authorities of the city of Altoona, their superintendents, engineers, workmen and laborers, with their tools, instruments, carts, wagons and other carriages and beasts of burden or draught, may enter into and upon lands contiguous to the dam or dams, works, cisterns or reservoirs which they may erect, or the route upon which they may lay their pipes, and from thence take and carry away any stone, earth, sand or gravel, or any other material necessary to the construction, maintenance or repair of said dam or dams, works, cisterns and reservoirs, or to the proper laying down, maintenance or repair of said pipes, doing as little damage as possible to private property, and making compensation to the owners thereof in the manner hereinafter provided for.

Proceedings in cases of disagreement as to damages.

**SECTION 4.** If the parties cannot agree upon the compensation to be made to the owner or owners of such water-power, lands or enclosures required for the use of said works, or for materials taken, damages sustained or to be sustained in the construction, maintenance and use of said works, it shall and may be lawful for the parties to refer the matter to suitable

and judicious persons, to be mutually chosen, who, or a majority of whom, shall carefully examine the premises, and, according to the best of their skill and judgment, estimate the value of the water-power, land, enclosure or materials taken or necessary to be taken, and of the injury sustained thereby; or if the parties cannot agree upon such viewers, then either of them may apply to the court of common pleas of the county of Blair, who, upon such application, are hereby authorized and required to appoint five disinterested citizens of said county, who, after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall proceed to view the premises as above prescribed, and they, or four of them, shall make report to the next term of said court what damage has been done, if any, which report shall be accompanied with a map or draft describing the bounds of the land taken by said corporation; on which report being confirmed by the said court, judgment shall be entered thereon, and execution may be issued in case of non-payment of the sum awarded, with such reasonable costs as may be allowed by the court: *Provided*, That either party may appeal to the court within thirty days after such report shall have been filed in the prothonotary's office, in the same manner as appeals are allowed in other cases, upon which appeal such proceedings shall be had as are usual in actions for damages at common law: *And provided further*, That it shall be lawful for the said corporation of the city of Altoona to enter at once into the possession or use of such water-powers, lands and premises, upon giving or tendering to the claimant or claimants their bond or bonds, in such amount and with such security as may be approved by one of the judges of said court, conditioned for the payment of such sum as the said claimant or claimants shall be entitled to receive after assessment made as aforesaid.

May take possession of lands, &c., upon tendering bonds to claimants.

SECTION 5. That the said corporate authorities, in council assembled, shall have full power and authority to pass, enact and ordain all laws and ordinances necessary to enable them to convey the said water through the city in all directions, and to fix hydrants, fire-plugs and stops wheresoever they may deem proper; and to fix and determine, from time to time, the rates of prices to be paid by the citizens and others for the use of said water and the penalties for non-payment, and to protect the water works, cisterns, reservoirs, dams, 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.

Authorities may pass ordinances relative to conveyance of water, fix hydrants, &c.

SECTION 6. That the said corporate authorities are hereby authorized and empowered, for the purpose of carrying into full effect the provisions of this act, to borrow, in the name and upon the faith, credit and responsibility of said city, such sum or sums of money, not exceeding in the whole two hundred thousand dollars, as they may deem necessary for the aforesaid purpose, and to issue bonds or certificates of indebtedness, in the name of the city of Altoona, under the corporate seal, attested by the signatures of the mayor, president of the council and secretary thereof, to the purchaser or purchasers

May borrow money and issue bonds.

May borrow money for redeeming loan, and levy tax.

Proviso.

Moneys realized from sale of bonds, together with water rents, to be kept separate, &c.

Penalty for opening communication with pipes, turning on water, &c., without authority.

Penalty for injuring buildings, corrupting waters, &c.

of said loan, in such sums as the city authorities may see proper, and bearing such rate of interest, not exceeding eight per centum per annum, as may be agreed upon; and also to borrow money, in the manner aforesaid, for the purpose of redeeming and paying off such loan, and shall have all power necessary for levying, assessing and collecting a tax, of not exceeding five mills on the dollar, for the purpose of redeeming and paying off the same: *Provided*, That any such loan shall be subject to the payment of state tax only.

SECTION 7. That all money received or realized from the sale of bonds issued in pursuance of the provisions of this act, together with all water rents, income or profit from the water works, shall be kept apart from the other money belonging to the corporation, and shall be designated the water fund; and shall be expended only in the construction, maintenance and repair of said works, the payment of the interest of said bonds, or in the payment and redemption of said bonds.

SECTION 8. That if any person, or persons, shall open a communication into the water main or other pipe of the said company, without authority from the proper officer of said company, or shall let the water on after the same shall have been stopped by order of the said corporation, or proper officer, for repairs or any other cause or purpose, or shall put up any hydrant or hydrants, pipe or pipes, in addition to those originally put up and inspected, and introduce into them water without authority as aforesaid, he, she or they shall be subject to a penalty of not less than ten nor more than one hundred dollars, recoverable before any alderman or justice of the peace of said county, as debts of like amount are recoverable, one-half to be paid to the informer and one-half to the water fund of said city.

SECTION 9. That if any person shall wilfully or maliciously do, or cause to be done, any act or acts whatever whereby any building, construction, reservoir or works of the said corporation, or water therein, or water power, or any matter or thing pertaining to the same, shall be destroyed, injured, contaminated, stopped or obstructed, the person or persons so offending shall be guilty of a misdemeanor, and may be therefor indicted in the court of quarter sessions of said county, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of the said corporation to a full compensation in damages by civil suit.

JAMES H. WEBB,

Speaker of the House of Representatives.

WILLIAM A. WALLACE,

Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and seventy-one.

JNO. W. GEARY.