

CHAPTER XCI.

AN ACT

Authorising James Barton, his heirs or assigns, to convey water into the town of Milford, in Pike county.

WHEREAS James Barton, of the town of Milford, in the county of Pike, hath represented to the legislature that he, as well as many others, inhabitants of said town, labor under great inconveniences for want of a sufficient supply of water for their immediate use, and that he is the proprietor of a spring and streams of water in the rear of said town of Milford, sufficiently elevated, and affording water enough for the accommodation of the inhabitants thereof, praying that a law may be passed authorising him, his heirs or assigns, to convey the water of said spring or streams into the town aforesaid, along the streets and alleys thereof: And whereas it is desirable at all times to have a sufficient supply of wholesome water, as well for the health and comfort of the citizens, as for affording security against accident by fire:

Therefore,

SECT. 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 it shall and may be lawful for James Barton, his heirs or assigns, to convey the water from any spring or streams owned by him, into the town of Milford, in the county of Pike, along and through the streets and alleys of the same, in logs or pipes suitable for that purpose, and to erect hydrants and other buildings in said streets and alleys, necessary for introducing the water aforesaid, and to secure the same against the inclemency of the weather and other extrinsic injuries: *Provided,* That the said James Barton, his heirs or assigns, shall not obstruct the free passage and travelling the said streets and alleys: *And provided also.* That the water so to be taken from the spring or streams shall not exceed a quantity which may be forced through a two inch pipe, unless with the consent of the owners of mills and water works on the stream below where the water shall be taken out.

James Barton authorised to convey water to Milford.

Proviso.
2d proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said James Barton, his heirs or assigns, to vend the water so conveyed into the town aforesaid, to such person or persons as may be disposed to use the same; and that the price to be paid by any one family on the using of the said water for one year

J. Barton may vend rights to use the water, Limit of the price.

shall not exceed ten dollars, and the price to be paid by any one family for a right of using the said water for fifteen years shall not exceed the sum of ninety dollars; and if any person or persons within the said town of Milford, shall use or take any of the said water for the use of families, without the consent of the said James Barton, his heirs or assigns, he, she or they shall forfeit and pay to the said James Barton, his heirs or assigns, the sum of one dollar, to be recovered as debts of equal amount are recoverable, before a justice of the peace: *Provided*, That nothing contained in this act shall be construed to prevent any inhabitant of the said town from using water obtained in any other way, or to compel any of the inhabitants to use the water so introduced by the said James Barton: *And provided also*, That the water so introduced shall be used gratis in all cases of extinguishing fire, and by waggoners and travellers passing through said town.

Proviso.

2d proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said James Barton, his heirs or assigns, to sue for and recover from all such person or persons using the water as aforesaid, all such sum or sums of money as shall have been agreed to be paid by them for the use of the water as aforesaid, by action of debt, to be brought before any justice of the peace of said county, in the same manner as debts under one hundred dollars are or shall be by law recoverable; and also to prosecute and recover from all and every person or persons who shall wilfully and maliciously, or otherwise, injure or destroy any of the said logs or pipes, hydrants or buildings, or any thing in anywise connected with said water works, such damages as shall be adjudged to him either by a justice of the peace, or on report of referees to be chosen by the parties for that purpose, in such manner as damages are or shall be by law recoverable.

J. Barton may sue as in other cases.

Penalty for injuring the works.

SECT. 4. *And be it further enacted by the authority aforesaid*, That in case of the water stopping by the hydrants, logs or pipes getting out of repair, by natural decay, by severity of frost or otherwise, that it shall be the duty of the said James Barton, his heirs or assigns, to use all due diligence to restore said water by repairs or otherwise, as the case may be; and that during such stoppage of the water no pay shall be demanded or allowed, but those families or persons thus deprived of using said water, shall have and be entitled to a proportionable deduction or allowance of the sum stipulated by them to be paid, during the time of such stoppage of the water.

Proceedings in case the works get out of repair.

SECT. 5. *And be it further enacted by the authority aforesaid*. That the said James Barton, his heirs or assigns, shall not be compelled to carry the water to detached or solitary houses remote from Hartford street, or the central square in said town, otherwise than by mutual agreement as to price

and terms, any thing in this act to the contrary notwithstanding.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said works for carrying and conveying the water into the town aforesaid, shall be completed in three years from and after the passing of this act.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if at any time after the expiration of twenty years from and after the passing of this act, the citizens of Milford should be disposed to purchase the said water works and privileges, they shall have a right so to do, for such price as shall be fixed by seven judicious and disinterested persons, or a majority of them, to be appointed by the Court of Quarter Sessions of the county of Pike, who shall be under oath or affirmation; and upon the payment of the price so fixed, all the rights, privileges and franchises hereby granted, shall be vested in the citizens of the said town of Milford.

Citizens of Milford empowered to purchase after 20 years

JOSEPH LAWRENCE, *Speaker of the House of Representatives.*

WILLIAM MARKS, Junior, *Speaker of the Senate.*

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.

CHAPTER XCII.

A SUPPLEMENT

To the act, entitled "An act to incorporate the city of Philadelphia."

SECT. 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 Recorder of the city of Philadelphia shall annually receive out of the State Treasury the sum of nine hundred dollars, to be paid quarterly, as a compensation for his services.

JOSEPH LAWRENCE, *Speaker of the House of Representatives.*

WILLIAM MARKS, Junior, *Speaker of the Senate.*

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty.

WILLIAM FINDLAY.