

ceeding, shall be tried by a jury, summoned by an officer to be named by the court, from the body of the state; and it shall be lawful for the court, aforesaid, to require and compel the production of such of the books and papers of the corporation, on such trial, as it may deem necessary for the ascertainment of the controverted facts, and the final judgment of the court shall be subject to all the usages of law, as in other cases.

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SECTION 23. The said company shall commence operations on said canal within eighteen months, and shall complete the work, so as to open the same for navigation to lake Erie, within three years from the passage of this act.

HENDRICK B. WRIGHT,

Speaker of the House of Representatives.

B. CRISPIN,

Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 21.]

AN ACT

To protect the property of the city of Pittsburg, situated without the city limits, 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 if any person or persons shall hereafter throw or cast, or wilfully suffer to fall into the new reservoir or Stone Quarry Hill, near the city of Pittsburg, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall do any act whatever, to corrupt, pollute, or render unwholesome, the water in said reservoir, every person or persons so offending, shall, for each and every such offence, forfeit and pay a sum not less than five dollars, nor more than fifty dollars, at the discretion of the magistrate before whom suit is brought,

Penalty for
polluting wa-
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with costs of suit, and to be recovered in the same manner as debts under one hundred dollars are recoverable; and to be recovered by any person suing for the same, one-half for the use of the person suing for the same, and the other half for the use of the mayor, aldermen and citizens of the city of Pittsburg.

SECTION 2. That if any person or persons shall hereafter cut, deface, mutilate, or otherwise injure any part of the buildings, machinery, stone work, or wood work, attached to or connected with or necessary for the protection and preservation of the aforesaid reservoir, or any of the conduit pipes, fire plugs, stop cocks, or hydrants, the person or persons so offending, shall forfeit and pay, for every such offence, a sum not less than five dollars nor more than fifty dollars, to be recovered, with costs of suit, in the same manner as is provided in the foregoing section: *Provided*, That the mayor, aldermen, and citizens of Pittsburg, shall be entitled, notwithstanding any such recovery under this act, to recover damages to the full extent of any injury done in an action on the case against the person or persons committing or doing the same. Penalty for
injuring wa-
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SECTION 3. That from and after the passage of this act, it shall and may be lawful for the mayor, aldermen and citizens of Pittsburg, to make use of any of the public highways, streets, lanes, or alleys, adjacent to said reservoir, for the purpose of laying down or re-laying or repairing the conduit pipes, and the usual and necessary devices connected therewith, for supplying the city of Pittsburg and surrounding country with water: *Provided*, That the laying down, re-laying and repairing said conduit pipes, and the usual and necessary devices connected therewith, shall be done in such manner as not to obstruct the passage of said highways, streets, lanes, or alleys, and that all damages or injury done to said highways, streets, lanes, or alleys, through the exercise of the privilege hereby granted, shall be promptly repaired by the said corporation, at its own proper cost. Power to lay
pipes

SECTION 4. That the said mayor, aldermen, and citizens of Pittsburg may, from and after the passage of this act, proceed to recover water rents due and unpaid beyond the limits of the city, as well as within the same, in the same way as city taxes are now recoverable. Water rents

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-three.

DAVID R. PORTER.