

Certificate of passage by two thirds of Senate.

I do certify, that the bill entitled "An act supplementary to an act entitled 'An act to incorporate the Girard Bank in the city of Philadelphia,'" passed on the third day of April, Anno Domini one thousand eight hundred and thirty-two, which has been disapproved by the Governor, and returned with his objections, to the House of Representatives, in which it originated, was approved by two-thirds of the Senate, agreeably to the constitution, on the nineteenth day of March, Anno Domini one thousand eight hundred and thirty-six, and that the foregoing is the act so approved by the Senate.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

ATTEST—LAURENCE L. MINOR,
Clerk of the Senate.

No. 49.

A Further Supplement

To the act entitled "An act authorizing the Governor to incorporate the Northampton Water Company," and to an act entitled "An act to incorporate the city of Lancaster, and for other purposes."

Dividend.

Proviso.

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 board of managers of the Northampton water company be, and they are hereby authorized, on the fourth Monday of April in each and every year, to declare a dividend on the capital stock of the said company, paid in out of the income of the said company, for the year ending on that day, after deducting therefrom the current expenses and the interest on loans for that year: *Provided,* That the residue of said income be set apart as a contingent fund, and that so much of the act to which this is a supplement, as is hereby altered, be, and the same is hereby repealed.

SECTION 2. That for the purpose of introducing into the city of Lancaster a sufficient supply of fresh and pure water,

the mayor, aldermen, and citizens, of said city, be, and they are hereby authorized and empowered to purchase and hold, in fee simple, or for any less estate, any water powers, near or convenient to the said city, or any lands, tenements, or hereditaments, to which any water power or powers may be appertaining, with full power the same, or any part or parts thereof, to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber, and demise, and dispose of, at their will and pleasure.

SECTION 3. The said mayor, aldermen, and citizens of the said city of Lancaster, in select and common councils assembled, are hereby authorized and empowered, for the purpose of carrying into full effect the objects of this act, to borrow any sum or sums of money not exceeding one hundred thousand dollars, in the name and upon the faith, credit, and responsibility of the said city, and 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.

SECTION 4. The said mayor, aldermen, and citizens of Lancaster, shall provide, erect, and maintain all works and machinery, or engines, necessary or proper for raising and introducing into the said city a sufficient supply of fresh and pure water, and shall provide, 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 burthen 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 hereafter provided for.

SECTION 5. The said mayor aldermen, and citizens of Lancaster, their superintendents, engineers, and labourers, with their tools, instruments, carts, wagons, and other carriages, and beasts of burthen or draft, may enter upon the lands contiguous to the dam, or dams, works, cisterns, and reservoirs they may erect on the route upon which they may lay their pipes, first giving notice to the owner or owners thereof, and from thence take and carry away stone, earth, sand, or other material necessary to the construction of the said dam, or dams, works, cisterns, and reservoirs, or to the proper laying down of the said pipes, doing as little damage etc.

as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof, in the manner hereinafter provided for.

SECTION 6. If the parties cannot agree upon the compensation to be made to the owner or owners of such lands, enclosures, public or private roads, or highways, or to any person or persons who may be injured by the diversion of the waters that may be used by the said city, for the purposes aforesaid, it shall, and may be lawful for the parties to appoint six suitable and judicious persons, who shall act under oath or affirmation, or if they, or a majority, cannot agree on such persons, then either of the parties may apply to the court of Common Pleas, or District Court of the city and county of Lancaster, and the said court of Common Pleas, or District Court, shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to the said court what damages, if any, has been done by the said mayor, aldermen, and citizens of Lancaster, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment of the sum awarded, with reasonable costs, to be assessed by the courts: *Provided*, That either party may appeal to the court by whom the said venire was issued, within thirty days after such report shall have been filed in the Prothonotary's office of said county, in the same manner as appeals are allowed in other cases; upon which appeals, such proceedings shall be had, as are used in actions for damages at common law.

Mode of ascertaining damages.

Jury.

Judgment and execution.

Proviso.

Appeal.

SECTION 7. The said mayor, aldermen and citizens of Lancaster, in select and common councils assembled, shall have full power and authority to pass, ordain and enact, all laws and ordinances necessary to enable them to convey the said water through the city 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 waters, 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.

Hydrants.

Use of water.

SECTION 8. If any person 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, or tan yard, or from any manufactory whatever, into the dam or dams that may be purchased or erected by the mayor, aldermen and citizens of Lancaster, for the purpose of introducing water into the said city, or shall throw, cast, or wilfully suffer to fall into the dam or head race of the water works, or into any reservoir or reser-

Water to be kept pure.

voirs to be erected by the said mayor, aldermen and citizens of Lancaster, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall go in to swim or bathe in the said dam, 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 mayor, aldermen and citizens of Lancaster, in pursuance of the powers given by this 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 magistrate, 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 of the said city, or any justice of the peace in Lancaster county. one half to the use of the plaintiff, and the other to the use of the mayor, aldermen and citizens of Lancaster; and if any person or persons so offending against the provisions of this section, shall neglect or refuse 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 Lancaster, for any period of time not less than ——— nor more than sixty days, according to the direction of the justice or alderman rendering the said judgment.

Mutilation of buildings, etc. Prohibited.
Penalty from 5 to 50 dolls.
Imprisonment.

SECTION 9. Nothing in this act shall be taken to prevent the use of steam power in introducing water into the city of Lancaster: *Provided*, the same shall be deemed, by the select and common councils of the said city, to be preferable to water power.

Steam power Proviso.

SECTION 10. That when two hundred shares of the stock authorized to be subscribed by the act to which this is a supplement, shall have been subscribed by the Pottsville water company, and five dollars paid for every share so subscribed, the commissioners, or a majority of them, named in the said act, shall certify the same to the Governor, it shall be lawful for the Governor, under his hand and seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, agreeably to the act to which this is a supplement.

200 shares to be subscribed
5 dollars on each share to be paid.
Charter.

NER MIDDLESWARTH,
 Speaker of the House of Representatives.
 THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.