

SENATE No. 223.

[House, No. 219, as passed to be engrossed by the Senate.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-two.

AN ACT

To enable the Commonwealth to secure certain Aqueduct Rights in the Town of North Adams.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. For the purpose of obtaining a sup-
2 ply of water for the Troy and Greenfield Railroad at
3 North Adams, authority is hereby granted to the
4 manager of the Troy and Greenfield Railroad and
5 Hoosac Tunnel, acting for the Commonwealth, and

6 with the approval of the governor and council, to
7 enter upon the lands, public highways, and streets
8 hereinafter mentioned, in the town of North Adams,
9 and to take possession of and appropriate to the use
10 of the Commonwealth all that certain line of aque-
11 duct pipe already laid in and through said lands,
12 highways, and streets, and extending from the reser-
13 voir situate on lands of the Commonwealth near the
14 western portal of Hoosac Tunnel to the Arnold
15 Print Works in said North Adams: that is to say, —
16 the line of location of said aqueduct commences at
17 the outlet of said reservoir, and thence runs in a
18 north-westerly direction through lands of Charles A.
19 Brown to the old highway from North Adams to Pitts-
20 field; thence in a westerly direction in and through
21 said highway to Ashland Street; thence in a northerly
22 direction in and through Ashland Street to Summer
23 Street; thence in a westerly direction in and through
24 Summer Street to State Street; thence in a north-
25 easterly direction in and through State Street to
26 Main Street; thence in a north-westerly direction in
27 and through Main Street to Marshall Street; thence
28 in a north-easterly direction in and through Marshall
29 Street to the Arnold Print Works; and the Common-
30 wealth, its successors and assignees, shall have full
31 power and authority forever to maintain the said
32 aqueduct in the position where located: *provided,*
33 *however,* the authority conferred by this act shall not
34 be full and effectual until the consent of the select-
35 men of North Adams to the location and construc-
36 tion of said aqueduct through the highways and

37 streets aforesaid shall have been first obtained, and
38 a certificate thereof filed with the town clerk of
39 North Adams; [A] nor until due license and author-
40 ity shall have been obtained from said Charles A.
41 Brown, whereby the Commonwealth, its successors
42 and assignees, shall have and acquire a perpetual
43 easement in and through the lands of said Brown for
44 the maintenance of said aqueduct in the position
45 where located.

1 SECT. 2. Full power and authority is given to
2 the said manager or other proper agents of the Com-
3 monwealth, at any and all times, to enter upon and
4 dig up the earth [B] in any of the highways and
5 streets above mentioned for the purpose of repairing
6 or reconstructing any portion of said aqueduct:
7 *provided*, in so doing, no unnecessary interference or
8 obstruction shall be occasioned to the public travel.

[C]

1 SECT. 3. [D] The manager of the Troy and
2 Greenfield Railroad and Hoosac Tunnel may, with
3 the approval of the governor and council, make any
4 contract, or modify any existing contract, with the
5 Arnold Print Works Corporation, whereby there
6 shall be prescribed the terms and conditions on
7 which the Commonwealth and said Arnold Print
8 Works may respectively and mutually use the said
9 aqueduct, and through the same take water from
10 said reservoir; or, in case of the suspension or discon-
11 tinuance of the use of said aqueduct by either party,
12 what remuneration, if any, shall be made to that
13 party for any disproportionate outlays or expenses.

1 SECT. 4. [E] This act shall take effect upon its
2 passage.

HOUSE OF REPRESENTATIVES, March 21, 1882.

Passed to be engrossed.

Sent up for concurrence.

GEO. A. MARDEN, *Clerk.*

SENATE, April 14, 1882.

Passed to be engrossed, in concurrence, with the following amendments:—

At [A], in section 1, strike out the remainder of the section.

At [B], in section 2, insert the words “the land of any private land-owner and in”

At [C] insert the following new section 3:—

1 SECT. 3. Any person through whose lands said
2 aqueduct and pipes are laid, and with whom the
3 manager of the Troy and Greenfield Railroad and
4 Hoosac Tunnel is not able to agree as to the damages
5 which shall be paid to said land-holder for injury
6 caused by the taking and use of said lands for aque-
7 duct purposes, may, upon application to the county
8 commissioners of Berkshire County, within three
9 years after the filing of the location of said aque-
10 duct in the office of the town clerk of North
11 Adams, as above prescribed, have his damages
12 estimated in the manner provided with reference
13 to the laying out of highways; and said county
14 commissioners shall, if requested by said land-

15 holder, require said manager to give security to
16 their satisfaction for the payment of all damages
17 which may be awarded by them or by a jury for
18 the land or other property taken ; and said manager
19 shall be reimbursed for any damages and costs so
20 paid by him, in so far as he is not otherwise reim-
21 bursed, out of the unappropriated earnings of the
22 Troy and Greenfield Railroad and Hoosac Tunnel.

At [D], section 3 to be numbered section 4.

At [E], section 4 to be numbered section 5.

Sent down for concurrence.

S. N. GIFFORD, *Clerk.*

