

SENATE....No. 199.

Commonwealth of Massachusetts.

IN SENATE, May 11, 1855.

The Joint Special Committee to whom was recommitted the Bill "For supplying the City of Lowell with Water," and the Remonstrance against the same, report the same Bill with amendments, in a new draft.

E. C. BAKER, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Five.

AN ACT

For Supplying the City of Lowell with Water.

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

1 SECT. 1. The city of Lowell is hereby authorized
2 to take, hold and convey into and through said city
3 from the Merrimack River, at any point thereof within
4 said city that may be deemed expedient, sufficient
5 water for the use of said city and the inhabitants there-
6 of, for the extinguishment of fires, domestic and other
7 purposes; and may also take and hold, by purchase or
8 otherwise, any lands or real estate within said city neces-
9 sary for laying and maintaining aqueducts or pipes,
10 constructing and maintaining reservoirs, and such other

11 works as may be deemed necessary or proper for
12 raising, forcing, retaining, distributing, discharging, or
13 disposing of said water.

1 SECT. 2. The city of Lowell shall, within sixty
2 days from the time they shall take any lands for the
3 purposes of this act, file in the office of the registry
4 of deeds for the county of Middlesex, a description
5 of the lands so taken, as certain as is required in a
6 common conveyance of lands, and a statement of the
7 purposes for which they were taken, which descrip-
8 tion and statement shall be signed by the mayor of
9 said city.

1 SECT. 3. The said city may make, build, lay down
2 and maintain, aqueducts and pipes from said Merri-
3 mack River into, through and about said city; construct
4 and maintain reservoirs; and may make, erect, and
5 maintain and carry on such other works as may be ne-
6 cessary or proper for raising the water into the same,
7 and forcing and distributing the water through and
8 about said city; may make and establish such public
9 hydrants in such places within said city as may from
10 time to time be deemed proper; and prescribe the
11 purposes for which the same may be used; and may
12 change or discontinue the same; may distribute the
13 water throughout the city, and for this purpose may
14 lay down pipes to any house or building in said city,
15 the owner or owners thereof having notice, and not
16 objecting thereto; may regulate the use of said water,
17 and establish, receive, and collect the prices or rents
18 to be paid therefor; and the said city may, for the
19 purposes aforesaid, carry and conduct and maintain

20 any aqueducts, pipes, or other works by them to be
21 made, laid down, or conducted over, under, through,
22 or across any water-course, canal, street, bridge, rail-
23 road, highway, or other way, in such a manner as not
24 to obstruct the travel or free use thereof; may enter
25 upon and dig up any such road, street or way for the
26 purpose of laying down pipes beneath the surface
27 thereof, and for maintaining and repairing the same,
28 and in general may do any other acts and things
29 necessary or convenient, and proper for carrying out
30 the purposes of this act.

SECT. 4. All pipes, aqueducts, and other works
2 constructed, or erected by said city by virtue of this
3 act, in, under, or over any of the canals of "The
4 Proprietors of the Locks and Canals on Merrimack
5 River," shall be so constructed, erected, and laid, as,
6 when completed, not to obstruct the navigation in
7 said canals, or either of them, or to interrupt or im-
8 pede the flow of the water in the same.

1 SECT. 5. The rights, powers and authorities given
2 to the city of Lowell by this act shall be exercised by
3 the said city, subject to the restrictions, duties, and
4 liabilities herein contained, in such manner and by
5 such commissioners, officers, agents and servants, as
6 the city council shall from time to time ordain, appoint,
7 and direct.

1 SECT. 6. For the purpose of defraying the ex-
2 penses which may be incurred by the city of Lowell
3 in carrying into effect the powers granted by this act,
4 the said city of Lowell shall have authority from time

5 to time, to borrow such sum or sums of money, and to
6 issue notes, scrip, or certificates of debt, therefor, to
7 such an amount as the city council shall from time to
8 time deem expedient, bearing interest not exceeding
9 the legal rate of interest in this Commonwealth—the
10 interest to be payable semi-annually, and the principal
11 shall be made payable at periods not more than
12 twenty years from the issuing of said notes, scrip,
13 or certificates of debt, respectively; and the city
14 council may sell the same, or any part thereof, from
15 time to time, at public or private sale, or pledge the
16 same for money borrowed for the purposes of this
17 act, on such terms and conditions as the city council
18 shall judge proper.

19 And the city council of said city is hereby author-
20 ized, from time to time, to appropriate, grant and
21 assess such sum or sums of money as shall be deemed
22 expedient, towards paying said expenses, or the prin-
23 cipal of the money so borrowed or obtained, and the
24 interest thereof, in the same manner as money is ap-
25 propriated, granted and assessed for other city pur-
26 poses.

1 SECT. 7. All persons and corporations who shall be
2 damaged in their property by the taking of any lands
3 or water, the building of reservoirs, aqueducts, or
4 water-works, or the laying of pipes, or in any other
5 way in carrying into effect the powers hereby granted
6 to the city of Lowell, unless the said city shall,
7 within sixty days after request in writing made to the
8 mayor of said city, pay or tender to the person or
9 corporation so damaged, a reasonable compensation
10 therefor; shall have the same remedies as are pro-

11. vided in the thirty-ninth chapter of the Revised
12 Statutes for persons damaged by railroad corpora-
13 tions.

1 SECT. 8. If any person wantonly or maliciously
2 shall corrupt the water in, or destroy or injure any
3 aqueduct, reservoir, pipe, conduit, hydrant, machine
4 or other works or property, held, owned or used by
5 the said city of Lowell, by the authority and for the
6 purposes of this act, every such person or persons shall
7 forfeit and pay to the said city, three times the amount
8 of damages that shall be assessed therefor, to be recov-
9 ered by any proper action ; and every such person or
10 persons may, moreover, on indictment for and convic-
11 tion of either of the wanton or malicious acts afore-
12 said, be punished by fine not exceeding one thousand
13 dollars, and imprisonment not exceeding one year.

1 SECT. 9. Nothing in this act contained shall be so
2 construed as to give to the city of Lowell the right to
3 authorize the use, by any other persons or corpora-
4 tions, of the water of Merrimack River, taken under
5 the provisions of this act for mechanical or manufac-
6 turing purposes, otherwise than for creating steam.

1 SECT. 10. The mayor and aldermen of the city of
2 Lowell shall notify and warn the legal voters of the
3 said city to meet in their respective wards on such
4 days as the said mayor and aldermen shall direct, not
5 exceeding sixty days after the passage of this act, for
6 the purpose of giving their written votes upon the
7 question whether they will accept the same.

8 And if a majority of the votes so given upon the

9 question aforesaid, shall be in the negative, this act
10 shall be null and void.

1 SECT. 11. This act shall take effect from and after
2 its passage.

