

HOUSE No. 1353.

[Bill accompanying the petition of Charles L. Hodge and others for legislation to authorize the city of Lowell to supply the inhabitants of the town of Dracut with water. Water Supply. April 23.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

To authorize the City of Lowell to supply the Inhabitants of the Town of Dracut 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 SECTION 1. The city of Lowell may supply
2 the inhabitants of the town of Dracut with water
3 for the extinguishment of fires and for domestic
4 and other purposes, and may construct and lay
5 down conduits, pipes and other works, under or
6 over any lands, water courses, railroads, railways
7 and public or private ways, and along any such
8 ways in the town of Dracut in such manner as

9 not unnecessarily to obstruct the same; and for
10 the purpose of constructing, maintaining and re-
11 pairing such conduits, pipes and other works, and
12 for all proper purposes of this act, the city of
13 Lowell may enter upon and dig up any such
14 lands and ways: *provided, however*, that the city
15 of Lowell shall not enter upon or dig up any
16 public ways in the town of Dracut, except with
17 the consent of the board of selectmen thereof;
18 and the city of Lowell shall restore to the satis-
19 faction of the selectmen of the town of Dracut
20 the public ways dug up or otherwise disturbed in
21 said town, and shall pay all damages sustained by
22 any person in consequence of any act or neglect
23 upon the part of the city of Lowell, its agents or
24 employees, in digging up or otherwise disturbing
25 any lands or public or private ways within the
26 town of Dracut.

1 SECTION 2. The city of Lowell may distribute
2 water through the town of Dracut or any part
3 thereof, may regulate the use of such water and
4 fix and collect rates for the use of the same; and
5 the town of Dracut or any fire district now or
6 hereafter established therein, or any individual
7 or corporation, may make such contract with the
8 city of Lowell for the extinguishment of fires and
9 for other purposes as may be agreed upon
10 between said town, fire district, individual or
11 corporation, and the city of Lowell; and the
12 said city may establish and maintain fountains and
13 hydrants and relocate or discontinue the same.

1 SECTION 3. The town of Dracut shall have
2 the right at any time to take, by purchase or
3 otherwise, the property and all the rights and
4 privileges of the city of Lowell within the town
5 of Dracut, on payment to said city of the actual
6 cost of its works and property of all kinds held
7 under the provisions of this act. The city of
8 Lowell shall keep a separate account of the con-
9 struction expenses of its plant within the town of
10 Dracut, which account shall be open to the select-
11 men or other committee appointed by the town of
12 Dracut. In case said town shall vote to purchase
13 said property, rights and privileges, and cannot
14 agree with the city of Lowell upon the amount of
15 the total actual cost thereof, then upon a suit in
16 equity brought either by the city or by the town,
17 the supreme judicial court shall ascertain and fix
18 such total cost in accordance with the foregoing
19 provisions, and shall enforce the right of the
20 town of Dracut to take possession of said prop-
21 erty, rights and privileges, upon the payment of
22 such cost to the city of Lowell.

1 SECTION 4. This act shall take effect upon its
2 passage, but shall become void unless the city of
3 Lowell shall begin to distribute water through its
4 pipes to consumers in the town of Dracut within
5 three years after the date of the passage of this
6 act.

