

HOUSE No. 120.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 23, 1892.

The committee on Bills in the Third Reading, to whom was referred the Bill [H. 85] to amend section 48 of chapter 190 of the Public Statutes relating to the erection of dams and ditches for flowing and draining cranberry lands, report recommending that the same be amended by substituting therefore the accompanying Bill.

For the Committee,

WM. J. DOLAN.

Commonwealth of Massachusetts.

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

AN ACT

Determining the Conditions under which Dams may be erected in Certain Cases across Navigable Streams and Outlets of Great Ponds for flowing Cranberry Lands.

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 forty-eight of chapter one hundred and
2 ninety of the Public Statutes is hereby amended
3 by inserting after the word "appropriated" in the
4 first line thereof, the words "or which he desires
5 to appropriate;" by striking out the article
6 "a" in the third line thereof, and inserting in
7 place thereof the word "any"; by striking out
8 the words "not navigable," in the third line
9 thereof and by adding at the end of the section
10 the words "*provided, however, that nothing here-*
11 *in contained shall authorize the erection or*
12 *maintenance of a dam across any navigable*

13 stream, or across the outlet of any great pond,
14 without a license obtained therefor from the
15 board of harbor and land commissioners, in
16 accordance with and subject to the provisions of
17 chapter nineteen of the Public Statutes, and of
18 chapter three hundred and eighteen of the acts
19 of the year eighteen hundred and eighty-eight,"
20 so as to read as follows : —

21 *Section 48.* Any owner or lessee of land
22 appropriated, or which he desires to appropriate,
23 to the cultivation and growth of the cranberry,
24 may erect and maintain a dam upon and across
25 any stream for the purpose of flowing and irri-
26 gating said land upon the terms and conditions
27 and subject to the regulations contained in this
28 chapter, so far as the same are properly applica-
29 ble in such cases : *provided, however,* that nothing
30 herein contained shall authorize the erection or
31 maintenance of a dam across any navigable
32 stream, or across the outlet of any great pond,
33 without a license obtained therefor from the board
34 of harbor and land commissioners in accordance
35 with and subject to the provisions of chapter
36 nineteen of the Public Statutes, and of chapter
37 three hundred and eighteen of the acts of the
38 year eighteen hundred and eighty-eight.

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Passed to be engrossed.

Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

