

HOUSE No. 138.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 3, 1870.

The Committee on Mercantile Affairs, to whom was referred the Bill for supplying the town of Fitchburg with pure water, report that it ought to pass.

Per order,

A. W. BEARD.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy.

AN ACT

For supplying the Town of Fitchburg with Pure
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. Alvah Crocker, Ebenezer Torrey, Moses
2 G. Lyon, their associates and successors, are hereby
3 made a corporation under the name of the Fitchburg
4 Water Company, for the purpose of furnishing the
5 inhabitants of said town with pure water; with all
6 the powers and privileges, and subject to all the
7 duties, restrictions and liabilities set forth in all gen-
8 eral laws which are, or may be hereafter in force, so
9 far as the same are applicable to this corporation.

1 SECT. 2. Said corporation, for the purpose afore-
2 said, may take, hold and convey, to, into and through
3 said town, the waters of Pearl Hill, or Punch

4 Brook, either or both, in the towns of Fitchburg
5 and Lunenburg situate; together with the tributary
6 waters which flow to either in said towns; and may
7 take and hold by purchase or otherwise, such land,
8 on and around the margin of such brook or brooks,
9 or tributaries, not exceeding five rods in width, as
10 may be necessary for the preservation and purity of
11 said waters; and may also take and hold in like
12 manner, such lands as may be necessary for erecting
13 and maintaining dams and reservoirs, and for laying
14 and maintaining conduits, pipes, drains and other
15 works, for collecting, conducting and distributing
16 such waters through said town of Fitchburg. The
17 said corporation shall, within sixty days from the
18 time of taking any land as aforesaid, file, in the regis-
19 try of deeds for the county of Worcester, a description
20 of land so taken, sufficiently accurate for identifica-
21 tion, and state the purpose for which it is taken.

1 SECT. 3. The said corporation may build aque-
2 ducts and maintain the same, by any works suitable
3 therefor; may erect and maintain dams; may make
4 reservoirs and hydrants, and may distribute the water
5 throughout Fitchburg by laying down pipes, and
6 may establish the rent therefor. Said corporation
7 may also, for the purposes aforesaid, carry its pipes
8 and drains over or under any water-course, street,
9 railroad, highway, or other way, in such manner as
10 not to obstruct the same; and may enter upon and
11 dig up any road, under the direction of the selectmen
12 of the town of Fitchburg, in such manner as to cause
13 the least hindrance to the travel thereon.

1 SECT. 4. The said corporation shall be liable to
2 pay all damages that shall be sustained by any per-
3 sons in their property by the taking of any land,
4 water, or water-rights, or by the constructing of any
5 aqueducts, reservoirs, or other works for the purposes
6 aforesaid. If any person who shall sustain damages
7 as aforesaid, cannot agree with said corporation upon
8 the amount of said damages, he may have them as-
9 sessed in the same manner as is provided by law, with
10 respect to land taken for highways; and all damages,
11 for the taking of lands for the purposes aforesaid
12 shall be paid for by said corporation, before entering
13 upon such lands.

1 SECT. 5. No application shall be made to the
2 county commissioners for the assessment of damages
3 for the taking of any water-rights until the water is
4 actually withdrawn, or diverted by said corporation.
5 Any person whose water-rights are thus taken, or
6 affected, may apply as aforesaid, at any time within
7 one year from the time when the water is actually
8 withdrawn or diverted.

1 SECT. 6. The said corporation may hold for the
2 purposes aforesaid, real estate to the amount of fifty
3 thousand dollars; and its whole capital stock shall
4 not exceed two hundred thousand dollars, which
5 shall be divided into shares of one hundred dollars
6 each.

1 SECT. 7. Any person who shall maliciously divert
2 the water, or any part thereof, of the sources which
3 shall be taken by the corporation, pursuant to the

4 provisions of the act; or who shall maliciously cor-
5 rupt the same, or render it impure, or who shall ma-
6 liciously destroy, or injure any dam, or reservoir,
7 aqueduct, pipe or hydrant, or other property held,
8 owned, or used by said corporation, for the purposes
9 of this act, shall pay three times the amount of
10 actual damages to the said corporation, to be re-
11 covered in an action of tort; and every such person,
12 on conviction of either of the malicious acts aforesaid,
13 shall be punished by fine, not exceeding one hundred
14 dollars, and imprisonment, not exceeding six months.

1 SECT. 8. The town of Fitchburg may at any time
2 within one year from the passage of this act, assume
3 all its rights and privileges from the corporators afore-
4 named: *provided*, a majority of the legal voters
5 thereof, present and voting, shall so determine, at any
6 legal meeting held for the purpose.

1 SECT. 9. For the purpose of defraying the cost of
2 such property, lands, water and water-rights as shall
3 be purchased for the purpose aforesaid, the town of
4 Fitchburg, through its treasurer, shall have authority
5 to issue from time to time notes, scrip, or certificates
6 of debt, to be denominated on the face thereof
7 "Fitchburg Water Scrip," to an amount not exceed-
8 ing two hundred thousand dollars, bearing interest at
9 a rate not exceeding seven per cent. per annum,
10 which interest shall be payable semi-annually; and
11 the principal shall be payable at periods not more
12 than twenty years from the issuing of said scrip,
13 notes or certificates respectively. Said treasurer, un-
14 der the authority of said town, may sell the same, or

15 any part thereof, from time to time, or pledge the
16 same for money borrowed for the purposes aforesaid,
17 on such terms and conditions as he may deem proper.
18 Said town is further authorized to make appropria-
19 tions, and assess from time to time such amounts, not
20 exceeding in one year the sum of ten thousand dol-
21 lars, towards defraying the principal of the money so
22 borrowed, and also a sum sufficient to pay the interest
23 thereof, in the same manner as money is assessed and
24 appropriated for other town purposes.

1 SECT. 10. In case the town of Fitchburg shall as-
2 sume from the corporators the property, rights and
3 privileges of the corporation established by this act,
4 said town shall exercise all the rights, powers and
5 authority, and be subject to all the restrictions, duties
6 and liabilities herein contained, in such manner, and
7 by such officers, servants and agents as the selectmen
8 shall from time to time ordain, appoint and direct,
9 and said town shall be liable to pay all damages
10 occasioned by the diversion of any water, or the ob-
11 struction of any stream, or the flowing of any lands
12 for the purposes of said aqueduct, which shall not
13 have been previously paid by said corporation.

