

HOUSE....No. 214.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 22, 1856.

The Committee on Railways and Canals, to whom was referred the the Petition of Isaac Davis, Mayor of the city of Worcester, for an Act in addition to an Act for supplying the city of Worcester with pure water, have considered the same, and report the accompanying Bill.

For the Committee,

PUTMAN W. TAFT.

Commonwealth of Massachusetts.

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

AN ACT

In addition to an Act to supply the City of Worcester 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. The city of Worcester is hereby author-
2 ized and empowered to take and convey into and
3 through the said city, the waters of Kettle Brook, so
4 called, in the south-westerly part of said city, the
5 waters of the same to be taken from said brook at a
6 point about two miles from the village of New Wor-
7 cester, so called, by an aqueduct, direct into said city,
8 or at a point higher up said brook in the town of
9 Leicester, and conducted by an artificial channel into

10 Henshaw Pond, so called, in said town of Leicester,
11 and so through said pond and along with the waters
12 of said pond into said city; or, take the waters of
13 Half-way River, so called, in the southerly part of
14 Worcester, from a pond raised by means of a dam
15 across the valley of said river; or, to take water from
16 Mill Brook or vicinity, so called, in the northerly
17 part of Worcester, or from Quinsigamond Pond, so
18 called, in the easterly part of said Worcester, as the
19 city council may elect, and to take and hold any
20 water that may flow into any of said ponds or
21 streams, or into and from either of the above water
22 courses, and any water rights connected therewith,
23 and any lands or estates necessary for the laying out
24 and maintaining an aqueduct for conducting the
25 waters from either of said sources to said city, and
26 for forming reservoirs; and may also take and hold
27 land around the margin of either of said ponds, or
28 around any reservoirs or water sources which they
29 may possess or create, in the valleys of said brooks,
30 for the purpose of supplying the said city with pure
31 water.

1 SECT. 2. The said city of Worcester may make
2 and build an aqueduct from either of the aforesaid
3 sources of supply, to, into and through the said city,
4 and secure and maintain the same by any works suit-
5 able therefor; may erect and maintain a dam or dams
6 at the outlet of either of said ponds and across the
7 valleys of either of said brooks, at the points above
8 mentioned, and at other points above the same, to
9 raise and retain the waters therein; and may erect
10 and maintain reservoirs, enlarge and alter water

11 courses, make and maintain hydrants in such places
12 as may be deemed proper ; may distribute the waters
13 through the city, and for that purpose may lay down
14 pipes through and across any street, road or highway,
15 or over and across lands to any buildings in said city ;
16 may regulate the use of the water, and establish and
17 fix rents or rates for the consumption and use there-
18 of ; and for the purposes aforesaid, the city may con-
19 duct said aqueduct over, under, or across, or along
20 any street, highway, or other way, in such manner as
21 not to obstruct travel thereon ; and may enter upon
22 and dig up any such road, street or highway, by con-
23 sent of the town in which the same may be located,
24 for the purpose of laying down pipes beneath the
25 surface of the same, and for the repairing thereof.

1 SECT. 3. The rights, powers and authority given
2 by this act shall be exercised by the city of Worces-
3 ter, subject to the restrictions, duties and liabilities
4 herein contained, in such manner, and by such offi-
5 cers, servants and agents, as the city council shall,
6 from time to time, ordain, appoint and direct.

1 SECT. 4. For the purpose of defraying the cost of
2 such land, water and water rights so taken and held
3 as aforesaid, and of constructing and maintaining said
4 aqueduct, reservoirs and works necessary for the
5 accomplishment of the end contemplated by this act,
6 and all expenses incident thereto, the city council
7 shall have authority to borrow, from time to time, such
8 sums of money, and to issue bonds, notes or certifi-
9 cates, therefor, to be denominated on the face thereof,
10 Worcester Water Scrip, to an amount not exceeding

11 three hundred and fifty thousand dollars, bearing
12 interest not exceeding six per cent. payable semi-
13 annually, and the principal to be made payable at
14 periods not less than ten years from the date thereof ;
15 and the city council may sell the whole or any part
16 of said scrip, from time to time, or pledge the same
17 for money borrowed for the purposes of this act, on
18 such terms and conditions as it shall deem proper.
19 And the said city council is hereby further authorized
20 to grant appropriations, and assess, from time to time,
21 such sums of money, not exceeding in any one year
22 the sum of ten thousand dollars, towards paying the
23 principal of the moneys so borrowed, and the interest
24 thereof, in the same manner as moneys are appropri-
25 ated and assessed for other city purposes.

1 SECT. 5. To enable the city council to pay the
2 interest as it may accrue upon said scrip, and ulti-
3 mately the principal thereof, it shall be lawful for the
4 said council to fix and establish the price or rate
5 which shall be paid for the use of any part of said
6 water, by any taker thereof in said city, and the same
7 to alter, from time to time, as may be deemed expedient.

1 SECT. 6. If any person shall wantonly or mali-
2 ciously divert the waters, or any part thereof, from
3 any of the ponds, brooks or reservoirs, or water
4 sources which shall be taken by the city pursuant
5 to the provisions of this act, or shall corrupt the
6 same, or destroy or injure any dam, aqueduct, conduit,
7 pipe, hydrant or other property held and used by the
8 city by authority and for the purpose of this act,
9 every such person or persons shall forfeit and pay to

10 the said city of Worcester, three times the amount of
11 the damages that shall be sustained thereby, to be
12 recovered in any proper action; and upon indictment
13 and conviction for either of said acts, shall be pun-
14 ished by a fine not exceeding one thousand dollars
15 and by imprisonment in the house of correction of
16 the county, not exceeding one year.

1 SECT. 7. All damages which may be sustained by
2 reason of the taking by said city of any of the
3 ponds or brooks afore mentioned, or of the water
4 thereof, or the water rights connected therewith, or
5 of diverting any portion of said water from its natu-
6 ral channel into other channels, or of erecting and
7 maintaining any dam or reservoir, or digging up any
8 land, street, road or highway, and entering upon the
9 same for laying, repairing and maintaining pipes,
10 conduits, hydrants, and other apparatus necessary
11 thereto, shall be paid by the said city of Worcester
12 to the individual or corporation injured, which dam-
13 ages shall be assessed in the same manner as is pro-
14 vided in the twenty-fourth chapter of the Revised
15 Statutes, with regard to highways.

1 SECT. 8. The provisions of this act shall be void
2 unless submitted to, and approved by, the voters of the
3 city of Worcester, at meetings held simultaneously
4 for that purpose, in the several wards, upon notice
5 duly given, at least seven days before the time of
6 holding said meetings.