

*Chap. 89* AN ACT TO AUTHORIZE THE DEFINING AND IMPROVEMENT  
OF THE CHANNEL OF MERRIMACK RIVER IN THE CITY OF  
LOWELL.

*Be it enacted, etc., as follows:*

Channel may  
be altered,  
straightened,  
etc.

SECTION 1. To facilitate the construction and for the greater safety and convenience of highways and bridges across Merrimack River, and for the purpose of improving the navigation and water power of said river, the city of Lowell, the proprietors of the locks and canals on Merrimack River, the Lawrence Manufacturing Company, the Merrimack Manufacturing Company, the Boott Cotton Mills, and the Massachusetts Cotton Mills are authorized and empowered to alter, straighten, deepen, remove obstructions from, and by their unanimous agreement define, establish and fix the boundaries of the bed and channel of said river within said city between the mouth of Beaver Brook and the easterly line of the public landing on the northerly side of said river, and the mouth of Concord River and westerly line of the public landing on the southerly side of said Merrimack River. Whenever said boundaries shall be so defined and fixed, the owners of lands abutting on said Merrimack River may construct and maintain walls and embankments thereon, and fill up, occupy and improve such lands to such boundaries. The city of Lowell for the purpose of constructing and maintaining highways, townways and bridges which heretofore have been or hereafter shall be duly laid out or established to or across said Merrimack River, may construct and maintain abutments and embankments therefor to said boundaries, and suitable piers within the bed or channel so defined and fixed as herein authorized. All such walls, abutments, embankments or other works constructed or maintained under authority of this act, shall have suitable openings or culverts therein to permit the flowing into said Merrimack River of all water courses, sewers and drains now lawfully emptying into said river within the limits above described.

Certificates  
describing  
boundaries,  
channel, etc.,  
to be filed be-  
fore work is  
commenced.

SECTION 2. Before any wall, abutment, embankment or other work shall be constructed under authority of this act, said city and corporations shall cause a certificate setting forth and describing the boundaries of said bed and channel, defined and fixed as herein authorized, signed by the mayor of said city and the president or treasurer of each of said corporations to be recorded in the registry of deeds for the northern district of the county of Middlesex, and also cause a map delineating such bounda-

ries upon a scale of not less than one hundred feet to the inch, signed in like manner as said certificate, to be filed in said registry.

SECTION 3. Any person whose property may be damaged by the exercise or carrying into effect of the powers or rights conferred by the first section of this act, except by the construction or maintenance of piers in said bed or channel, may have the amount of such damage determined and may recover the same of said city and corporations in the manner provided in chapter one hundred and twelve of the Public Statutes for the estimation and recovery of damages occasioned by the laying out, construction and maintenance of railroads: *provided*, the application for the estimation of such damages shall be made within three years after the recording of the certificate and filing of the plan required by section two; but no person shall be entitled to recover damages under this act on account of any act or thing which said city or corporations or any or either of them would have a right to do without liability to such person for damages occasioned thereby, if this act had not been passed. In estimating the damages allowance by way of set-off shall be made for any benefit to the property of such person by any deepening, widening or straightening of the bed or channel of said Merrimack River, or removing of obstructions therefrom by said city and corporations or any of them, as well as for any other benefit that shall have resulted to the property of such person by the carrying into effect of any of the powers granted by this act after this act shall take effect and before the final determination of such damages.

Estimation and recovery of damages.

Proviso.

SECTION 4. All expenses that shall be incurred by said city and corporations or either of them in carrying into effect and exercising the powers and rights granted by this act, and in ascertaining and satisfying the damages thereby to property of any person, shall be paid by said city and corporations respectively in such proportions as shall be agreed between them. Said city and corporations may make such contracts between themselves for carrying into effect the powers hereby granted and the prevention and removal of obstructions in said Merrimack River and payment of the expenses thereof, as they may deem expedient, and the performance and observance thereof by them respectively may be enforced by suitable proceedings at law or in equity by the supreme judicial court: *provided*, such contract shall be in writing and recorded

Payment of expenses.

in the same registry and at the same time as the certificate required by section two.

Rights of the city not impaired.

SECTION 5. This act shall not impair any right which the city of Lowell now has to lay out, construct or maintain any highway, townway or bridge to or across said Merrimaek River; nor shall it affect the right or remedy of any person for damage occasioned by the laying out, construction or maintenance of any highway, townway or bridge, except for damages occasioned by the construction or maintenance of abutments or embankments therefor under authority of this act and for which remedy is herein specially provided.

Subject to acceptance.

SECTION 6. This act shall be void unless accepted by the city council of said city, and by each of said corporations by vote of their respective boards of directors, within six months after the passage hereof.

*Approved March 17, 1882.*

**Chap. 90** AN ACT TO INCORPORATE THE WHITE'S FERRY BRIDGE COMPANY.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. Benjamin J. Greeley, John P. Newell, Charles E. Jackson, their associates and successors, are made a corporation by the name of the White's Ferry Bridge Company, for the purpose of constructing and maintaining a pile bridge across North River between the towns of Marshfield and Scituate, at or near the easterly terminus of Sea Street in White's Ferry village in said town of Marshfield.

Name and purpose.

Bridge to be at least twenty feet wide.

SECTION 2. Such bridge shall be well built of suitable materials, shall be at least twenty feet wide and floored with planks, shall have sufficient railings on each side, shall have a suitable draw for the passage of vessels, and shall be kept in good repair at all times: *provided, however*, that any structure built under this act shall be subject to the supervision and approval of the board of harbor and land commissioners as provided in section eight of chapter nineteen of the Public Statutes.

Proviso.

Real and personal estate.

SECTION 3. Said corporation may purchase and hold such real and personal estate as may be necessary and proper for the purposes of this act, and shall have all the powers and privileges except the right to collect tolls, and be subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations. The capital stock of said corporation shall not exceed in amount ten thousand dollars.