

SECT. 9. The corporation hereby established is authorized to sell and transfer all its property, rights, privileges and franchises, under this charter, to the Boston and Worcester Railroad Corporation, or its successors, upon such terms as shall be mutually agreed upon, and upon such transfer, said Boston and Worcester Railroad Corporation shall enjoy and be invested with all the powers, privileges and franchises, hereby granted, and shall be subject to all the restrictions and liabilities hereby imposed.

May sell and transfer property.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1854*]

An Act for supplying the City of Worcester with Pure Water.

Chap. 338

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Worcester is hereby authorized to hold, by purchase, and to convey to, into and through the said city, the water of the Henshaw Pond, so called, in the town of Leicester, and the waters that may flow into and from the same, and any water-rights connected therewith, or (if the city council shall so elect) the waters of a brook running through the town of Holden and through the westerly part of Worcester, called Tatnic Brook, the water to be taken from a point in the same in said town of Holden, about two miles above the village of Tatnic, so called, in said Worcester; and said city may also hold, by purchase, any lands or real estate, necessary for laying or maintaining an aqueduct for conducting the water from either of said sources to said city, and for forming reservoirs, and may also hold land around the margin of said pond, or around the margin of any reservoir or water source which they may possess or create, in the valley of said brook, for the purpose of furnishing a supply of pure water for the city of Worcester.

Water, where obtained.

May hold land, &c.

SECT. 2. The said city may make and build a permanent aqueduct, from either of the aforesaid water sources, to, into and through the said city, and secure and maintain the same by any works suitable therefor, may erect and maintain a dam or dams, at the outlet of said pond, or in the valley of said brook, at the point above mentioned, and at other points above the same, in the valley of said stream, to raise and retain the waters therein; and may erect and maintain reservoirs, enlarge water sources, make and maintain public hydrants, in such places as may be deemed

May build aqueduct, &c.

proper; may distribute the water through the city, and for that purpose, may lay down pipes to any house or building in the city, by consent of the owner or owners of them thereto, and may regulate the use of the water, and establish rents and prices to be paid therefor; and the city may, for the purposes aforesaid, carry and conduct any aqueduct or other work, over or under any street, highway, or other way, or in such manner as not to obstruct the travel thereon, and may enter upon and dig up any such road, street or way, by consent of the town in which the same may be, for the purpose of laying down pipes beneath the surface thereof, and for making and repairing the same: *provided, however*, that nothing contained in this section shall be so construed as to authorize said city to take or flow the land, or to take, or in any way injure, the property of any person or corporation, without the consent of the owner or owners thereof.

City to appoint
commissioners

SECT. 3. The rights, powers and authority given to the city of Worcester, by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such commissioners, officers, agents and servants, as the city council shall, from time to time, ordain, appoint and direct.

City to issue
scrip.

SECT. 4. For the purpose of defraying the cost and expenses of such land, estate, water, and water-rights, so purchased and held, for the purposes mentioned in this act, and of constructing said aqueduct and works necessary and proper for the accomplishment of this act, and all expenses incident thereto, the city council shall have authority, from time to time, to borrow such sum or sums of money, and to issue notes, scrip, or certificates of debts therefor, to an amount not exceeding two hundred and fifty thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, the said interest to be

When payable.

payable semi-annually, and the principal shall be made payable at periods not more than twenty years from the issuing of said scrip, notes or certificates, respectively; and the city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purpose of this act, on such terms and conditions as the city council shall judge proper; and the city council are hereby authorized, from time to time, to appropriate, grant and assess such sum or sums of money, not exceeding twenty thousand dollars in any one year, towards paying the principal of the money so bor-

rowed or obtained, and the interest thereof, in the same manner as money is appropriated, granted and assessed for other city purposes.

SECT. 5. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable. Price of water.

SECT. 6. If any person shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, stream, or water source, which shall be taken by the city, pursuant to the provisions of this act, or shall corrupt the same, or destroy or injure any dam, aqueduct pipe, conduit, hydrant, machine, or other property held, owned or used by the city, by the authority and for the purposes of this act, every such person or persons, shall forfeit and pay to said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action, and every such person or persons may, moreover, on indictment for and conviction of either of the wanton and malicious acts aforesaid, be punished by a fine, not exceeding one thousand dollars, and by imprisonment, not exceeding one year. Penalty for diverting water, &c.

SECT. 7. Nothing in this act contained shall be construed to authorize said city to take or to appropriate the property of any person or corporation, to its own use, unless it be by contract or agreement with the owner thereof. City to make contracts.

SECT. 8. The mayor and aldermen of said city shall notify and warn the legal voters of said city, to meet in their respective wards, on such day as the said mayor and aldermen shall direct, not exceeding sixty days from and after the passage of this act, for the purpose of giving their written votes upon the question, whether they will accept the same; and if a majority of the votes so given upon the question shall be in the negative, this act shall be null and void. Act void, unless accepted in sixty days.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1854.*]